



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

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| Tuesday, June 3, 2024 | Time 6:30 p.m. | Council Chambers |
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1. Call to Order

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

2. Invocation

Pastor Chauncey Forte 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 G was to be pulled from the Consent Agenda 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 Lisa Ford.

Move to approve the Consent Agenda less Item G

The motion carried by the following vote:

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

- A. 24-78** Approval of the City Council Meeting Minutes of May 21, 2024
- B. 24-718** Approval of the Special City Council Meeting Minutes of May 14, 2024
- C. 24-700** Acceptance of the Planning Commission meeting minutes of May 9, 2024
- D. 24-704** Acknowledgement of submittal of the Financial Statements for General Fund, Police and Fire Funds and Visit BA for April 2024
- E. 24-626** Approval of and authorization to execute a Proclamation declaring the month of June 2024, Summer Meals Month
- F. 24-736** Approval of and authorization to execute Budget Amendment Number 32 for Fiscal Year 2024
- G. 24-725** Approval of and authorization to execute a Mutual Aid Agreement between the City of Broken Arrow and the City of Coweta for Building Inspection Services
- H. 24-708** Approval of and authorization to execute a professional services contract, third renewal, with First Responder Support Services, LLC to provide behavioral health services (counseling, training, and consultation) to all employees of the Broken Arrow Fire Department
- I. 24-638** Approval of and authorization to execute a professional services renewal contract with First Responder Support Services, LLC to provide behavioral health services (counseling, training and consultation) to all employees of the Broken Arrow Police Department
- J. 24-672** Approval of and authorization to execute a Medical Director Services Agreement between David Gearhart, D.O. and the City of Broken Arrow for services as the Physician Medical Director for the Fire Department
- K. 24-714** Approval of and authorization to execute a Purchase and Sales Agreement for a real property at 21144 East 101st Street, Broken Arrow, Oklahoma; and approval and authorization to execute Resolution No. 1583, a Resolution of the City of Broken Arrow ratifying, approving, authorizing and accepting a contract for sale of real estate for real property located in Broken Arrow, Wagoner County, Oklahoma and more particularly described as Lot Four (4), Block One (1), Whispering Hills Estates, a subdivision of the North half of the Northwest Quarter of Section 29, Township 18 North, Range 15 East of the Indian Meridian, in Wagoner County, State of Oklahoma, (the “real property”) in accordance with the terms of a certain contract for sale of real estate by and between the City of Broken Arrow and Richard and Carolyn Hubert; approving and authorizing purchase of the real property pursuant to the contract for sale of real estate; and authorizing the City of Broken Arrow expenditure of the sum \$330,000.00 to effect such

purchase, as well as reasonable and necessary costs; designating representatives of the City of Broken Arrow, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said assignment and contract for sale of real estate; and containing other provisions relating thereto (Project No. 2417210)

- L. 24-695 Approval of and authorization to execute a Memorandum of Understanding between the Indian Nation Council of Government (INCOG) and Broken Arrow, Oklahoma
- M. 24-683 Approval of and authorization to renew the expired contract with Southern Uniform to outfit new police officers with uniforms and equipment
- N. 24-719 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 \$50,000 or less
- O. 24-694 Approval of PT-001451-2024 | PR-000210-2023, Conditional Final Plat, Peyday BA Industrial Park, 20 acres, 1 Lot, IL (Industrial Light), located one-quarter mile west of Evans Road (225th East Avenue) one-quarter mile north of New Orleans Street (101st Street)
- P. 24-713 Acceptance of a Drainage Easement and a Temporary Construction Easement from Leonard E. and Deanna S. Villalon on property located at 46 Cedar Ridge Road, Broken Arrow, Oklahoma 74012, located in the Northeast Quarter of the Section 30, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 2.0, 2A, for Cedar Ridge Drainage Improvements. Project No. SW22050
- Q. 24-507 Acceptance of a Landscape Easement from Quik Trip Corporation on property located at 2400 N Aspen Avenue, Broken Arrow, Oklahoma 74012, located in the Southeast Quarter of the Section 33, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 7 for the Broken Arrow Gateway Signs. Project No. 201710
- R. 24-538 Approval of and authorization of Final Acceptance for the public improvements at the TWX Shop located at 520 North 45th Place
- S. 24-705 Ratification of the Claims List Check Register Dated May 24, 2024

6. Consideration of Items Removed from Consent Agenda

Mayor Wimpee read Item G: "Approval of and authorization to execute a Mutual Aid Agreement between the City of Broken Arrow and the City of Coweta for Building Inspection Services."

Council Member Johnnie Parks stated he asked for this to be pulled to recognize that the City enjoyed working with the surrounding communities, especially Coweta. He noted Broken Arrow had a Committee, headed by Assistant City Manager of Operations Kenny Schwab, working with Wagoner County. He stated having the City of Broken Arrow building inspectors work with the City of Coweta would only help build relationships and improve quality of life for everyone. He commended Coweta and Broken Arrow for working together and he hoped Broken Arrow would do the same with Wagoner County.

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green.

Move to approve the Consent Agenda Item G

The motion carried by the following vote:

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

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

A. 24-171 Presentation and annual programming update by the Broken Arrow Military History Center

Community Relations Manager Lori Hill introduced General Mancino, with the Military History Center, who would present the Military History Center's annual organizational update.

General Mancino thanked City Council and thanked Mayor Wimpee for serving on the Military History Center Board. He stated June was a busy month as it was Military History Month and there were fund raisers, and the flags were up and down Main Street. He stated anyone who had a veteran relative for whom they wanted a banner on Main Street should contact the Center. He stated the Golf Tournament was this Saturday. He noted Kenny Collins recently passed and left a sum of money to the Military History Center which was being used for a scholarship fund in Mr. Collins' name. He stated the Center was meeting with the City regarding the upcoming Bond issue and there were some interesting proposals. He stated the Military History Center enjoyed being a part of Broken Arrow; Broken Arrow was very supportive of its veteran citizens. He stated the Oklahoma Military Heritage Foundation in Oklahoma City inducted veterans into its Hall of Fame, and he was fortunate enough to be inducted. He stated the Broken Arrow Military Museum would be inducted into the Ernest Childers Chapter of the Oklahoma Military Heritage Foundation Hall of Honor. He explained this would allow the Military History Center to nominate individuals who had contributed significantly to veterans or veterans' affairs for induction into the Hall of Honor. He stated the Military History Center would be making 6 or 7 nominations this year. He noted the Flag Day ceremony would be held June 14.

- B. 24-698 Presentation of a Citation of Congratulations by Oklahoma State Representative Ross Ford to the City of Broken Arrow City Clerk Curtis Green for being sworn in as a Region IV Director for the International Institute of Municipal Clerks**
Oklahoma State Representative Ross Ford stated he was honored to live in and represent Broken Arrow. He stated Broken Arrow had many dedicated employees and he was honored to be able to present this Citation of Congratulations to his friend, Curtis Green. He read the Citation of Congratulations and presented the Citation to Mr. Green. Commemorative photos were taken.
- C. 24-728 Presentation regarding installation of fiber-optic telecommunication services in Broken Arrow**
This Item was tabled.
- MOTION: A motion was made by Justin Green, seconded by Lisa Ford.
Move to table Item 7C
The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee
- D. 24-712 Presentation of InHouse Advertising’s Visit Broken Arrow “Bullseye” marketing concept**
Marketing and Communications Coordinator for Tourism and Economic Development Erin Hofener stated she was excited to present the new VBA marketing concept. She stated as part of the 2020 Strategic Plan a marketing company was hired, and a marketing campaign was developed. She explained the marketing company created an archer superhero as the mascot for Broken Arrow tourism, named “Bullseye.” She displayed and discussed illustrations of Bullseye. She noted Bullseye’s colors came from the Broken Arrow mural. She stated Bullseye’s arrows would have suction cups instead of points. She explained Bullseye would pop up around the City; he would shoot his arrows which would land on different parts of the City (location, shop, restaurant, etc.) and then Bullseye would explain why visitors should visit. She stated Bullseye was unique, like Broken Arrow, and would catch the eye of visitors and residents alike. She displayed and discussed examples of how Bullseye would be used for Broken Arrow advertising. She said Bullseye was appealing to all generations. She played a portion of the Bullseye animation which would be released to the public via social media. She stated as Bullseye grew, a Bullseye mascot costume could be created, and the Bullseye mascot could make appearances at Broken Arrow events.
- Mayor Wimpee asked if Bullseye would be all over the City of Broken Arrow.
- Ms. Hofener responded in the affirmative.
- Mayor Wimpee stated she loved the concept.
- Vice Mayor Christi Gillespie agreed. She asked about a Bullseye doll.
- Ms. Hofener noted she was looking into creating a Bullseye action figure which would be distributed at events.
- Council Member Lisa Ford noted when the advertising company was showing Bullseye to the VBA Board, the advertising company was just as excited as the VBA. She commended Ms. Hofener.
- Council Member Justin Green commended Ms. Hofener and the VBA.
- Vice Mayor Gillespie stated she could see children wanting to visit Broken Arrow thanks to Bullseye. She asked if there would be photo opportunities for anyone visiting a Bullseye spot.
- Ms. Hofener responded in the affirmative; a Bullseye selfie spot could be set up in whatever area Bullseye was focusing on.
- E. 24-722 Presentation and discussion of upcoming survey about road improvements**
Director of Communications Aaron McColloch reported on January 30, 2024, the City of Broken Arrow opened a comprehensive survey for feedback from citizens regarding the City’s performance providing public services and to seek input on a future public infrastructure and quality of life capital improvement projects. He explained the goal of the survey was to gain an understanding of what was important to the citizens of Broken Arrow, realize future opportunities and challenges, and use the data as a guide in the bond project selection process ahead of the upcoming General Obligation Bond Election in April 2026. He stated the survey was open from January 30 through February 29 and received 3,947 responses in 31 days. He noted the results of the survey were presented to City Council on April 16, 2024, and indicated citizens had a very positive perception about the quality of life

in Broken Arrow. He stated one of the challenges gleaned from the data was regarding mobility, specifically, getting around the city by vehicle. He noted when asked to rate the traffic flow on major streets in Broken Arrow, only 40 percent of citizens responded either Excellent or Good. He stated while this response was similar when compared to the national benchmark, it did provide the City with the opportunity to dive deeper into Broken Arrow's roadway system. He indicated City staff was prepared to release a 5 minute micro-survey in early June. He indicated the micro surveys would be open for about 3 weeks. He explained the micro-survey would ask citizens about the level of support for roadway improvements at 40 listed locations of streets and intersections around Broken Arrow. He stated the survey would also include fields which allowed citizens to write-in a street or intersection which was not listed. He noted the data from the micro-survey would be used to assist the project selection process for the Transportation proposition of the 2026 General Obligation Bond package. He stated the launch would likely be this Wednesday, and potential future micro surveys included connectivity, parks and recreation, as well as utilities.

Mayor Wimpee stated she was happy to see this micro survey going out as the original survey was quite long and it would be good to dig a little deeper into what the citizens of Broken Arrow wanted.

Mr. McColloch agreed.

Council Member Parks agreed noting it would also keep the Bond issue in the forefront.

Council Member Green stated he appreciated citizens having the opportunity to write in a street or intersection name they felt was a priority.

Mr. McColloch agreed with Council Member Parks and Council Member Green.

Mayor Wimpee asked if any of the choices listed on the survey were around any of the large neighborhoods coming in. She asked if development was taken into consideration.

Mr. McColloch responded in the affirmative; for example, Olive between Washington and New Orleans, on the west side was the new development, and it would be on the survey.

City Manager Spurgeon stated the emphasis to the public would be, there was not enough money to keep the tax rate the same and do everything the public wanted, so priorities were important. He said getting the feedback from the public would enable a Bond Package to be put together with the priorities of the citizens. He noted there were another 10 miles of road which would be widened in the next few years from older Bond Packages and there could be approximately 15 additional miles of roadway included in the new Bond Package. He explained the public's opinion was extremely important.

F. 24-697 Conduct a public hearing for the Proposed 2024-2025 Fiscal Year Budget

City Manager Spurgeon stated one of the most important responsibilities of City Council was approving the annual budget. He stated he and Finance Director Cindy Arnold would walk through the budget as expeditiously as possible. He noted budgeting went on year round; once City Council approved the budget, perhaps on June 17, City Staff would begin preparing for next year's budget. He noted the City of Broken Arrow Fiscal Year was from July 1 through June 30. He stated while he and Ms. Arnold might move quickly through the budget, the full budget was available for review by the public on the City website. He reviewed the City's vision, mission and opportunities including public safety services, community well-being, economic development focusing on growth and prosperity, innovative municipal government operations, fiscal sustainability and strategic public investment, transformational initiatives that helped maintain a thriving, healthy community, transparency and communication. He stated the municipal budget served the following purposes: as a blueprint for the upcoming year, to match available resources with community needs, and to outline the workplan and priorities of the organization. He reviewed what was included in the Budget Book: the City Manager's Executive Summary; proposed revenues and expenditures; proposed department budgets; special funds; street maintenance plan; proposed 2024 GO Bond sale; OWRB loan program; and the Manual of Fees. He reviewed the City's four key budgeting practices including focusing on long term financial sustainability; estimating revenues and expenditures conservatively; ensuring all funds balance; and including built-in contingencies. He encouraged anyone who chose to look at the budget to focus on pages 6 through 17 which included the program of work for FY-2025.

Finance Director Cindy Arnold reviewed the sales tax breakdown noting the City received a sales tax of 3.55%; the rest of the sales tax charges went to Tulsa and Wagoner County. She discussed budget challenges including inflation, supply chain availability, and the City's over dependence on sales tax. She reported the proposed FY-2025 Budget was \$490 million dollars which was a 38.1 percent increase over FY-2024 due to ongoing construction projects being in different phases. She reviewed the breakdown of the FY-2025 Budget expenses: operational \$175 million dollars; capital outlay \$275 million dollars; debt service \$40 million

dollars. She reported the FY-2025 general fund was \$151 million dollars including expenditures, transfers out and ending fund balance. She noted the City had a good fund balance, which was important. She stated the general fund reflected an increase of 9% due to salary increases, insurance increases, and increased operational expenses. She reviewed general fund revenues: \$93 million dollars in total revenues which was 7.14% over last year; sales tax increase was estimated at 1.5% for FY-2025. She reviewed general fund expenditures: personnel services \$16.8 million dollars; other services \$7.8 million dollars; materials and supplies \$1.9 million dollars; transfers out \$89 million dollars (police and fire); \$115.6 million dollars in total expenditures. She reviewed the Sales Tax Capital Improvement fund which was 0.5% of the City's 3.55% sales tax. She noted revenues were estimated at \$10.5 million dollars and the fund was used for "pay as you go" capital projects. She noted almost \$2 million dollars of this was reserved for debt service and she listed some of the bigger projects including police vehicles, a brush truck and two dump trucks. She stated the full list of projects was on page 8 through 14 of the Budget Book. She reviewed the Street Sales Tax Fund used to maintain City streets and sidewalks noting the estimated revenue was \$5.2 million dollars. She discussed some of the associated projects including control panel replacement, concrete panel repair, and miscellaneous projects.

City Manager Spurgeon stated the City was working on a plan to increase the money used for striping the roads; the Street and Sales Tax fund would be used for this striping.

Finance Director Arnold reviewed the Broken Arrow Municipal Authority fund: FY-2025 BAMA budget was \$179 million dollars including expenditures, transfers out, ending fund balance, capital outlay, and debt service. She stated this reflected an increase of 24.9% in operating costs, capital outlay, reserve fund and debt service. She explained a lot of the increase was due to capital outlay projects. She reviewed BAMA budget highlights: a rate increase was necessary for ongoing operations, planned capital improvements and OWRB debt service; rates were discussed on May 14; there was \$8.5 million dollars in pay as you go capital; there were additional proposed OWRB projects. She stated the total OWRB projects in process in FY-2025 would be \$83 million dollars. She reviewed BAMA expenditures including personnel services, other services, materials and supplies, with a total operating budget of \$53.8 million dollars, debt service of \$13.5 million dollars, and transfers out of \$21 million dollars. She reviewed BAMA capital projects for FY-2025 which included the purchase of three side loaders, a pallet jack, a fuel truck, a 75-ton lift and a street sweeper. She noted Section 3 of the budget contained the complete list of capital projects for BAMA. She discussed the Police Sales Tax Fund noting the revenues were \$39 million dollars; expenses \$37.6 million dollars; there were 157 sworn positions authorized in the budget and 160 positions were filled as some officers would be retiring soon. She reviewed police capital expenses including police vehicles, body cameras, auto license plate readers, and miscellaneous. She reviewed the Fire Sales Tax Fund noting revenues were \$32 million dollars; expenses \$31 million dollars; all capital was in STCI; the new fire station number 8 was currently under design using bond money. She reviewed the General Obligation Bond program noting there was \$128.6 million dollars in current 2011, 2014, and 2018 GO Bond projects. She stated the proposed GO Bond projects for this fall would be \$21 million dollars. She reviewed the proposed GO Bond sale for FY-2025 including \$16.3 million dollars for Proposition 1 (transportation); Proposition 2 (quality of life) \$3.2 million dollars; Proposition 6 (drainage) \$1.3 million dollars; for a total sale of \$21 million dollars. She explained this could change based on Broken Arrow's net asset value.

City Manager Spurgeon thanked and commended all those who contributed to the FY-2025 Budget including Cindy Arnold, Tom Cook, and team, the City Directors, Cricket Moore and Lori Hill, as well as City Council.

Mayor Wimpee opened the public hearing for the proposed 2024-2025 Fiscal Year Budget. She asked if there were any citizens who would like to speak.

Citizen David Oldham asked about the \$1.6 million dollars for Bass Pro HVAC and the \$150,000 dollars for the Tiger Hill generator. He asked why the City was buying equipment for these private organizations. He asked what was meant by the statement "community well-being." He asked what was considered "economic development." He stated it was shocking to hear that the City of Broken Arrow had 1,000 employees, and he was curious about these positions.

City Manager Spurgeon stated the City owned the Bass Pro building. He explained as a part of the agreement negotiated by the City in 2004 when Bass Pro opened, the City had a public-private partnership, and the City was responsible for the building and the grounds. He stated the City had an agreement for the lease of the facility with Bass Pro which required the City to do maintenance on the building as it would for any other City owned facility. He stated this building was almost 20 years old now, and the HVAC needed to be replaced. He stated Tiger Hill was used as a part of the City's emergency operations and a generator was needed to make sure the City could continue communications and keep track of things during a weather related event. He explained community well-being was a broad term which included

things such as parks and recreation, travel and tourism, special events, etc., things which helped Broken Arrow maintain its identity as a smaller community. He said residents wished to continue to see the City invest in community events such as the New Orleans Block Party.

Mayor Wimpee noted such events attracted visitors to the City which in turn generated more sales tax and enabled the City to continue to improve infrastructure and pay for police and fire.

City Manager Spurgeon explained economic development contributed to quality of life. He stated there were many different aspects of economic development including creation of primary jobs by expanding established businesses and recruiting new business to the City. He noted this also would increase tax revenues. He stated economic development created primary jobs, secondary jobs, sales tax generation, travel and tourism opportunities, sporting events, etc.; economic development was not simply one thing.

Vice Mayor Gillespie stated economic development was a buzz word which had negative connotations in some circles. She stated Broken Arrow did not have any partnerships with the federal government for “15 minute cities” or any of those things which went along with that economic development term. She stated Broken Arrow was not on that national trend pathway of becoming part of the 15 minute city.

City Manager Spurgeon agreed explaining Broken Arrow focused on manufacturing and business retention and expansion. He said economic development was about creating an environment which promoted private investment because this was where growth and prosperity of the community would thrive. He discussed the importance of having places to shop in the community; convenience trumped support of the city. He explained if a Broken Arrow resident had a Reasor’s 6 minutes away in Bixby, said resident would not drive 27 minutes to the Reasor’s on Kenosha. He stated economic development meant addressing these types of issues to keep Broken Arrow dollars in the City of Broken Arrow.

Mayor Wimpee noted most residents did not understand Oklahoma was the only State which ran on sales tax.

Vice Mayor Gillespie stated for herself, economic development meant creating an environment where people could be successful, so small business owners could be successful on their own without the government’s involvement.

City Manager Spurgeon agreed. He stated the City had approximately 900 full time employees and about 100 full time/part time employees.

Mayor Wimpee noted a little over 1,000 employees was under the national average for a city the size of Broken Arrow.

Council Member Ford noted Broken Arrow had over 115,000 citizens and was growing.

Vice Mayor Gillespie stated Broken Arrow had over 140,000 residents in the three Broken Arrow zip codes.

Council Member Ford stated Broken Arrow employees had many hats and were very appreciated.

Council Member Parks asked if Bass Pro would be paid off this year.

City Manager Spurgeon responded Bass Pro would be paid off in 2025.

Citizen Theresa Stewart thanked City Council. She stated she loved the City of Broken Arrow. She stated her husband worked at Baker Hughes for 22 years but was laid off 2 years into treatment for leukemia, kidney cancer and a Cushing’s disease tumor. She stated she served on the Board for the American Cancer Family Council. She noted she had worked for Baker Hughes, and was involved in Team Based Management, also known as total quality management. [Baker Hughes closed in 2023 in Broken Arrow.] She stated she suffered a head injury as a result of an aerosol spray malfunction at Baker Hughes, but she now had a heart to help seniors with cancer. She stated in the community of Broken Arrow there were men who were overlooked in terms of cancer because the men did not complain as much or did not share their needs. She stated she appreciated City Manager Spurgeon for his efforts to improve the community and attract businesses. She said she felt there were individuals and families in the community who might be falling through the cracks, families with cancer in the local community. She suggested City Council and Broken Arrow consider partnering with the American Cancer Family Council to improve the quality of life of those with cancer in Broken Arrow. She made suggestions regarding how the City could help those with cancer in Broken Arrow.

Mayor Wimpee stated the City had a new micro transit program residents could use to get to doctors' appointments and the like.

Ms. Stewart stated she loved the new Bullseye concept.

Mayor Wimpee asked if any other members of the public would like to speak; there were none. She asked once again if any other members of the public would like to speak; there were none. She closed the public hearing.

Council Member Ford stated she appreciated those who spoke at this 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 Wimpee indicated no Citizens signed up to speak.

9. General Council Business

- A. 24-732 Consideration, discussion and possible approval of amended Resolution No. 1582 approving the incurrence of indebtedness by the Broken Arrow Economic Development Authority (the "Authority") issuing its Sales Tax Revenue Note(s) , Series 2024 in one or more series or subseries (collectively, the "Notes"); providing that the organizational document creating the Authority is subject to the provisions of the Indenture authorizing the issuance of said Notes; waiving competitive bidding with respect to the sale of said Notes and approving the proceedings of the Authority pertaining to the sale of said Notes; approving and authorizing execution of a Sales Tax Agreement by and between the City of Broken Arrow, Oklahoma (the "City") and the Authority pertaining to a year-to-year pledge of certain sales tax revenues; and containing other provisions relating thereto**

Ms. Cindy Arnold stated this Item was to be continued until after BAEDA.

Mayor Wimpee stated Item 9A would be tabled until following the BAEDA meeting.

Following the BAEDA meeting, at approximately 8:28 p.m., City Council was reconvened and Item 9A was revisited.

Ms. Arnold stated this was City Council approving the indebtedness of the Broken Arrow Economic Development Authority issuing a sales tax revenue note not to exceed \$26 million dollars.

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

Move to approve amended Resolution No. 1582

The motion carried by the following vote:

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

- B. 24-720 Consideration, discussion, and possible action regarding BAZ-001334-2024 (Rezoning) and SP-001335-2024 (Specific Use Permit), Floral Haven Expansion, 27 acres, A-1 (Agriculture) and R-1 (Single Family Residential) to A-1 (Agriculture)/SP-001335-2024, north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue)**

Mayor Wimpee indicated Item 9B was tabled until the next City Council Meeting.

Council Member Green noted Item 9B was tabled at the petitioner's request, not the City's request.

Mayor Wimpee concurred.

- C. 24-715 Consideration, discussion, and possible award of the lowest responsible bid to Cook Consulting, and approval and authorization to execute a construction contract for the Innovation District (Arrow Forge) Lift Station (Project No. S.24020)**

Director of Engineering and Construction Charlie Bright reported for several years now the City had been working with the Economic Development Corporation on a Committee for a new Innovation District, now known as the Arrow Forge Innovation District. He stated he was happy to present the first step for the infrastructure for this District. He stated the sanitary sewer plans were bid out first and this would consist of a gravity sewer line through the District itself, a lift station near the Turnpike and a force main pipe on the other side of the Turnpike. He stated it was bid out, six bids were received, and the lowest responsible bid was from Cook Consulting for approximately \$2.2 million dollars.

Council Member Ford asked if the City had worked with Cook Consulting in the past.

Mr. Bright responded in the affirmative; Cook Consulting had done a lot of work for the City of Broken Arrow.

City Manager Spurgeon asked how Cook Consulting compared to the estimate.

Mr. Bright responded the engineer's estimate was about \$2.5 million dollars, which fell in the middle of all the bids.

Council Member Parks asked when construction would begin.

Mr. Bright responded he imagined construction would begin in the next six weeks and it should be done by the end of the year. He noted soon after the City would work on bidding the road and waterline plans to go with this; as soon as the sanitary sewer construction was done the road improvements would begin.

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

Move to award of the lowest responsible bid to Cook Consulting, and approve and authorize execution of a construction contract for the Innovation District (Arrow Forge) Lift Station (Project No. S.24020)

The motion carried by the following vote:

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

10. Preview Ordinances

A. 24-727 Consideration, discussion and possible preview of an ordinance amending Chapter 10, Fire Prevention and Protection, Article I, In General, Section 10.3, Manufacture, Sale, Use, Etc., of fireworks, of The Broken Arrow Code of Ordinances; Deleting the Permit Requirement and Fee; repealing all ordinances to the contrary; and declaring an emergency

City Attorney Trevor Dennis reported at the last City Council Meeting, Staff was directed to revise and update the existing Fireworks Ordinance. He stated City Ordinance Section 10-3 currently allowed persons within the city limits to discharge fireworks from 3:00 p.m. to 11:00 p.m. only on July 3 and July 4, after obtaining a permit from the City at the cost set forth in the Manual of Fees. He stated this was passed originally by Ordinance No. 2676 on December 20, 2004, and allowed for the discharge of fireworks with a \$20 dollar permit. He stated on August 21, 2006, City Council passed Ordinance No. 2822 calling an election on the following question: Should the City of Broken Arrow allow fireworks to be discharged by individuals with a permit within the City of Broken Arrow. He indicated the ballot question did not list the amount of the permit, but it did ask if fireworks should be allowed with a permit issued by the City. He stated a special election was held on November 7, 2006 which gave rise to the current Ordinance. He explained the changes made were to remove the permit requirement and the fee requirement. He stated in Section 10-3, subsection A, it stated the discharge of fireworks should be unlawful in the City unless done in accordance with the provisions of Section 10-3E. He stated the permit requirement remained for commercial public displays, and the provisions for the Fire Marshall to be involved in the permitting for commercial public displays was also left in. He stated in subsection C, permissible fireworks were clarified as Class 1.4G fireworks, also known as common fireworks, while the larger fireworks would be permitted for the commercial public displays. He stated subsection D indicated currently the sale of fireworks was still unlawful within the City. He said he understood there were discussions regarding potential future changes in the sale of fireworks, but it remained in prohibition with this Ordinance. He stated while the permit and the fees were removed, there was still a prohibition that persons within the City Limits may discharge permissible fireworks only from 3:00 p.m. until 11:00 p.m. on July 3 and July 4; it was still unlawful to ignite fireworks within 500 feet of a church, hospital, asylum, unharvested flammable agriculture crop or a public school. He stated under subsection 2, the permit requirement was removed, and in subsection 3 the requirement for the permit holder to be physically present at the house was removed as well. He stated the person who ignited the fireworks was still required to remove the debris or risk a fine of \$225 dollars. He stated under subsection 4, private persons were not permitted to use or discharge fireworks on any City or County property. He explained the fine remained the same at \$225 dollars for violations; however, for any use of fireworks between the hours of 11:00 p.m. and 7:00 a.m. the fine was doubled, and if the Governor called a red flag fire alert, the use of fireworks was strictly prohibited.

Vice Mayor Gillespie asked where large displays were listed.

City Attorney Dennis responded under Section 10-3A Supervised Public Displays. He explained supervised public displays were different fireworks than those used by individuals. He explained if commercial grade fireworks were used at New Orleans Square, the permit procedure would be required.

Vice Mayor Gillespie asked if there were churches who set off fireworks. She noted fireworks were prohibited by the Ordinance within 500 feet of a church.

City Attorney Dennis stated Rockets over Rhema was a permitted commercial activity, done with the fire marshal, and was a separate provision in the Ordinance. He noted if a church

was going to have a commercial show, a commercial permit would be needed. He explained for individuals setting off fireworks, it was unlawful to do so within 500 feet of a church.

Council Member Green asked if “City property” included streets and sidewalks.

City Attorney Dennis responded in the negative, it did not include streets and sidewalks. He noted the language could be clarified. He explained the intent was to include fee simple owned city property such as City Hall, but fireworks were allowed in the streets.

Council Member Ford stated clarifying the language might be a good idea. She stated it was important for citizens not to set off fireworks at City Hall, but citizens should also understand it was okay to set off fireworks in front of their homes in the street.

Discussion ensued regarding clarifying the language.

City Attorney Dennis stated the Ordinance currently read: “Private persons may not use or discharge fireworks within a city or county park, property, nor on any highway, turnpike, or any street that has paving in excess of 26 feet wide, such as an arterial street or collector street.” He noted this was very specific about the streets, so as long as the street was not in excess of 26 feet wide, residents could set off fireworks. He stated examples of city property could be included in the language to clarify, such as buildings and city-owned parking lots.

Vice Mayor Gillespie stated she felt this language indicated citizens could discharge fireworks on a subdivision street or sidewalk.

Council Member Parks stated he felt the language was fine the way it was.

Vice Mayor Gillespie agreed.

Council Member Ford agreed.

Vice Mayor Gillespie noted a discussion regarding whether the City should allow the sale of fireworks could be held at another time. She said the Ordinance indicated if there was someone in the County who sold fireworks, and was annexed into the City, the City could allow the individual to continue to sell fireworks up to two years following the annexation. She said this felt like it was written for someone specific originally.

City Attorney Dennis stated at the time the Ordinance was written there were several existing fireworks stands which were grandfathered in, but none of these were operating any longer.

City Manager Spurgeon stated he planned to put something together this fall for the City Council to review regarding the sale of fireworks in the City of Broken Arrow.

Council Member Green asked about the possibility of discharging fireworks on New Year’s Eve. He stated this had been brought to his attention several times.

Vice Mayor Gillespie stated she would be in favor of allowing fireworks on New Year’s Eve.

Citizen Theresa Stewart said she loved fireworks, but she also knew there were many veterans in the community, and cancer patients, with PTSD. She discussed how difficult fireworks were for veterans with PTSD. She discussed how difficult fireworks were for many animals. She discussed how difficult fireworks were for her pets. She noted her fence nearly caught on fire last year due to a firework. She asked City Council to consider alternatives to fireworks, such as a drone show.

Citizen David Oldham commended City Council for the changes to the fireworks Ordinance. He stated this was a good start. He stated he was against prohibitions, but standards of behavior were important, and individuals should be held accountable. He discussed his feelings about requiring permits to “buy back your rights.” He discussed the unfairness of allowing Native Americans to sell fireworks of free but charging Broken Arrow citizens a \$750 fee to do the same. He noted Native Americans were citizens of the United States just as he was. He said the laws should be the same for everyone. He stated he appreciated safety regulations and respect for others, but was against the prohibition of fireworks, especially during New Year’s, Chinese New Year’s, etc.

Vice Mayor Gillespie stated eliminating the permit requirement was actually empowering Broken Arrow Police; any firework discharged by individuals outside of the allocated hours would be fined double; police would not need to check if someone had a permit, the police could simply enforce the law.

Mayor Wimpee stated the only thing about the permit was it enabled the City to educate the public about the Ordinance and remind the public about when fireworks were allowed to be

discharged.

Vice Mayor Gillespie stated she felt this information needed to be communicated to the public in general.

Mayor Wimpee noted not everyone was on social media.

Council Member Parks stated he felt a permit should be required to hold the public responsible, but the City should not charge for the permit.

Vice Mayor Gillespie stated she felt the information could be released to the public through those who sold fireworks, through social media, through the utility bill, etc.

Mayor Wimpee asked about the pros and cons of having or not having a permit.

Council Member Ford asked if it would be better to have a permit without a fee for enforcement purposes.

Council Member Green asked if it would be easier to enforce the Ordinance with or without a permit.

Chief Brandon Berryhill explained the police would still have to catch the person using the fireworks, which put the police in the same boat it was in now if someone called in a complaint. He noted there would be patrols out for the off hours but there would no longer be extra patrols during the time fireworks were allowed unless the fire chief had a concern. He explained the police still had the same issues of needing to see the individual setting off fireworks outside of hours to write a ticket. He explained the enforcement part was still the same, police had to have eyes on the violation when it happened. He stated if there was a complaint and the police officer was a few blocks away, after arrival on scene, if nothing was happening, there was not much which could be done unless the neighbor who complained was willing to sign the ticket witnessing the violation.

Council Member Ford asked if this was the same for any debris left behind. She said police officers would have to witness individuals discharging fireworks and then leaving the debris behind in order to enforce the law.

Chief Berryhill responded in the affirmative. He noted he could not predict whether there would be more or less discharge of fireworks after hours this year.

Council Member Ford stated she felt for Broken Arrow veterans and for the animals, but she felt fireworks should still be allowed for a couple of days within certain hours.

Vice Mayor Gillespie stated citizens were setting off fireworks without a permit regardless and the whole city needed to be educated about fireworks safety and regulations, not just those who obtained a permit. She stated educational materials needed to be sent out via social media, via the utility bill, etc.

Council Member Green noted he never read the permit when he obtained the permit.

Assistant City Manager over Administration, Norm Stevens, noted Ms. Stewart requested to ask one more question.

Mayor Wimpee allowed it.

Ms. Stewart asked how many dogs ended up in the kennels as a result of fireworks, and how many fires were ignited, and why not consider a win-win solution for everyone. She stated she understood the City might be giving up revenue.

Mayor Wimpee stated the City would not be making any revenue, as the permit fee was eliminated.

Ms. Stewart asked about looking at the property damage and costs associated with fires from fireworks. She stated families with cancer and families with PTSD veterans should also have rights. She stated alternatives such as drone shows where families could all safely attend a spectacular display should be considered. She noted there were many cities which did not allow fireworks, and Broken Arrow could be more forward-thinking.

Vice Mayor Gillespie stated the citizens voted to allow fireworks in the City. She explained City Council could not just prohibit fireworks.

Ms. Stewart stated one of her neighbors shot a firework over her fence and her dog got it and could have died as a result. She stated she felt this was a violation of her rights, or maybe she

had no rights.

Mayor Wimpee stated this was a situation in which Ms. Stewart needed to speak with her neighbors.

Ms. Stewart asked for cul-de-sacs to be included as a prohibited area for setting off fireworks as cul-de-sacs put fireworks too close to other homes.

Mayor Wimpee noted there were many citizens who lived in cul-de-sacs who wanted to set off fireworks.

Ms. Stewart asked who would be liable if a firework set fire to her roof.

Vice Mayor Gillespie stated fireworks could not be set off less than 25 feet from any permanent structure.

Ms. Stewart stated this was not enough distance. She noted roman candles went pretty far and perhaps some thought should be given to prohibiting roman candles.

Mayor Wimpee thanked Ms. Stewart for her comments.

City Attorney Dennis stated the direction of Council was to change the language for the permit and the fees; this was done. He stated it was up to City Council to either set the preview ordinance for adoption, or set it for adoption with changes, or leave it the way it was.

Mayor Wimpee asked if City Manager Spurgeon had anything to add.

City Manager Spurgeon responded education was very important.

Vice Mayor Gillespie agreed.

Mayor Wimpee asked if the Fire Department released fireworks safety information.

Fire Chief Moore responded in the affirmative.

Mayor Wimpee noted educational materials should be pushed out through the Fire Department’s social media, Police Department’s social media, City social media, through all possible resources.

Council Member Green noted the City could even put up educational signage or flyers at the fireworks retailers.

Vice Mayor Gillespie stated the responsibility of posting educational materials should be on the sellers of the fireworks.

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

Move to preview the Ordinance and set it for adoption with the knowledge the City would be proactive in educating the public about fireworks safety

The motion carried by the following vote:

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

11. Ordinances

A. 24-733 Consideration, discussion, and possible adoption of Ordinance No. 3831, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-001411-2024, generally located one quarter mile east of South Lynn Lane Road (South 177th East Avenue), and south of West Florence Street (East 111th Street South), granting RS-4 zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
Community Development Director Rocky Henkel reported rezoning case BAZ-001411-2024 (A-1 to RS-4), containing 9.63 acres, was approved by the Broken Arrow City Council on May 21, 2024, and platting was waived. He stated the subject property was currently unplatted and was generally located one quarter mile east of South Lynn Lane Road (South 177th East Avenue), and south of West Florence Street (East 111th Street South). He stated Staff recommended City Council approve Ordinance No. 3831 and approve the emergency clause.

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

Move to adopt Ordinance No. 3831

The motion carried by the following vote:

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

B. 24-734 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3831

MOTION: A motion was made by Justin Green, 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

Mayor Wimpee recommended visiting the reenactment of the Tomb of the Unknown Soldier by the Youth on Guard on Memorial Day Weekend. She stated the youngest Youth on Guard this year was 13 years old. She explained these youth trained like the sentinels at Arlington Cemetery. She indicated the reenactment would be ongoing from 1:00 p.m. on Saturday until 4:00 p.m. on Monday, night and day, rain or shine. She stated Broken Arrow was the only place in the entire nation which performed a reenactment.

Vice Mayor Gillespie announced the New Orleans Square Block Party would be a three day extravaganza this year on June 27, June 28 and June 29. She stated there would be nightly concerts, the New Orleans Square intersection would be closed June 28 and June 29 in the afternoon, and there would be fireworks June 28 and June 29. She invited all to attend.

Council Member Green stated there would be local artists, as well as big recognizable artists performing. He stated the New Orleans Square Block Party would have incredible family fun for all.

Council Member Ford noted tomorrow night was Tuesdays in the Park. She indicated Tuesdays in the Park were every Tuesday for the month of June; there would be food and music, and it would be a fun event. She invited all to attend. She stated Saturday was the Broken Arrow Public Schools BBQ and Bingo at the Property Events Center, a fund raiser for the Broken Arrow Public Schools Foundation. She said if you were not able to attend, you could still donate.

Council Member Parks stated the BA Civitans had the best hamburgers in town. He recommended buying a burger from the BA Civitans at Tuesdays in the Park.

Council Member Ford noted the BA Civitans were a nonprofit organization which helped the Broken Arrow community.

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

City Manager Spurgeon commended the TED Team, specifically Erin and Makala, and the Tourism Board which came up with the Bullseye idea. He said he was excited to see this roll out. He thanked City Council for approving the contract for the Arrow Forge sanitary sewer. He stated he was excited work would begin soon as the infrastructure was a key driver to bring in business. He stated New Orleans Square was a public private partnership and he thanked the Special Events Committee, Rocky Henkel's team, Grant Rissler and Kendra Carlson. He noted this was the third New Orleans Square Block Party and it was expanding. He reported last Friday Chief Berryhill announced he would be retiring at the end of October and his 30 years of service would be celebrated before he retired. He thanked Chief Berryhill for his service. He stated he would be meeting with the HR Director in the next few days to begin recruitment for the position. He indicated he would keep City Council updated. He said his goal was to get the advertisement for the position out, working with a recruiter, within the next 30 days or so.

14. Executive Session

There was no Executive Session.

At approximately 8:24 p.m. Mayor Wimpee called for a motion to recess for BAMA and BAEDA.

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

Move for a recess to go into BAMA and BAEDA

The motion carried by the following vote:

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

15. Adjournment

The meeting was adjourned at approximately 8:29 p.m.

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

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