



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*

Monday, July 17, 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

Mr. Michael Godefriin performed the invocation.

3. Roll Call

Present: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee
Absent: 1 - Justin Green

4. Pledge of Allegiance to the Flag

Vice Mayor Johnnie Parks led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Wimpee asked if there were any Items to be removed from the Consent Agenda; there were none.

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

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

- A. 23-893 Acknowledgement of out-of-state travel by City Council Members
- B. 23-43 Approval of the City Council Meeting Minutes of June 19, 2023
- C. 23-906 Approval of the Emergency City Council Meeting Minutes of June 19, 2023
- D. 23-907 Approval of the Special City Council Meeting Minutes of June 19, 2023
- E. 23-870 Acceptance Planning Commission meeting minutes of May 25, 2023
- F. 23-871 Acceptance Planning Commission meeting minutes of June 8, 2023
- G. 23-953 Approval of and authorization to execute Budget Amendment Number 2 for Fiscal Year 2024
- H. 23-879 Acceptance of Fiscal Year (FY) 2022 Assistance to Firefighters Grant (AFG) for new Automated External Defibrillators (AEDs) for Fire Department staff vehicles and approve and authorize execution of Budget Amendment Number 1 for Fiscal Year 2024
- I. 23-914 Approval of and authorization to execute a Professional Services Agreement with Bradley Werner Law, LLC, for providing counsel and legal advice regarding Franchise law
- J. 23-890 Approval of and authorization to execute a professional services agreement with Dr. Stephanie Bradley, DVM and the City of Broken Arrow
- K. 23-891 Approval of and authorization to execute a professional services agreement with Dr. Kristi Wittlich, DVM and the City of Broken Arrow
- L. 23-942 Approval of and authorization to execute Agreement for Professional Consulting Services with Geodeca, LLC for providing professional surveying and related support services (2452010)
- M. 23-925 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Hall Estill, Attorneys at Law for providing counsel and legal advice regarding water related issues
- N. 23-921 Approval of and authorization to execute a Professional Services Agreement with Kivell, Rayment & Francis, P.C. for providing counsel and legal advice regarding right-of-way acquisitions, title opinions and property law
- O. 23-934 Approval of and authorization to execute Amendment No. 1 to the Professional Consultant Agreement with LandPlan Consultants Inc for the Design of the Sustainability Park (Project No. 2214010)
- P. 23-922 Approval of and authorization to execute the Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C. for providing counsel and legal advice regarding sovereignty law, employment law and labor law
- Q. 23-924 Approval of and authorization to execute a Professional Services Agreement with

Metcalf & Spitler, LLP, for providing counsel and legal advice regarding the Tiger Hill Retaining Wall Design and Construction Defect Dispute with Contech, Inc., O.J.C., and Heartstone

R. 23-910 Approval of and authorization to execute a professional services agreement with Thomson Reuters to provide the Broken Arrow Police Department with CLEAR

S. 23-848 Approval of and authorization to execute a service agreement with Trane for the Public Safety Center

T. 23-845 Approval of and authorization to execute an agreement with Trane to replace the climate control system at the Joint Police/Fire Training Academy - Phase I Building

U. 23-721 Approval of and authorization to ratify a Clinical Rotation Agreement between Tulsa Technology Center and the City of Broken Arrow

V. 23-758 Approval of and authorization to execute a License Agreement with USCOC of Greater Oklahoma, LLC, on property located one-quarter mile south of Omaha Street and one-quarter mile east of Elm Avenue along the west side of Kansas Street, Tulsa County, State of Oklahoma (Section 35, T19N, R14E)

W. 23-923 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Wood, Puhl & Wood, PLLC Attorneys and Counselors at Law for providing counsel and legal advice regarding civil rights and use of force cases

X. 23-932 Approval of and authorization to execute an Employer Service Agreement with Xpress Wellness Urgent Care for providing necessary preemployment, employment and workers' compensation services

Y. 23-951 Approval of and authorization to execute a Global Financial Professional Services Agreement with Municipal Finance Services

Z. 23-928 Approval to reject the bid for the Signalization Pole Improvement Project (Project Number TS23120)

AA. 23-911 Approval of and authorization to purchase of one (1) Vibratory Asphalt Roller, from Warren CAT, pursuant to the Sourcewell Cooperative Purchasing contract (formerly NJPA) #032119-CAT

AB. 23-927 Approval of a waiver of Section 24.104 of the Codes of Ordinances for approximately 4 acres, A-1 (Agricultural), one-quarter mile south of Kenosha Street (71st Street) and east of Oneta Road (South 241st East Avenue)

AC. 23-867 Approval of BAZ-000764-2023 (Rezoning), Albany 40, 38.48 acres, A-1 (Agricultural) to RS-3 (Single-Family Residential), located south of Albany Street (61st Street), one-quarter mile west of 37th Street (209th E. Avenue)

AD. 23-885 Approval of PT-000810-2023 | PR-000167-2023, Conditional Final Plat, Elm Creek, 28.34 acres, 82 lots, R-2 to R-2 and RS-3, located one-half mile south of Tucson Street (121st Street), one-half mile west of Elm Place (161st E. Avenue)

AE. 23-916 Approval of and authorization of Final Acceptance for the public improvements at Evergreen Baptist Church Phase 4 located at 5900 West Florence Street

AF. 23-915 Ratification of the Claims List Check Register Dated July 10, 2023

6. Consideration of Items Removed from Consent Agenda

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

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

A. 23-956 **Acknowledgement of the Oklahoma Department of Transportation (ODOT) inclusion of the Broken Arrow Expressway Corridor Study from Aspen Avenue to Kenosha Street into the State's 8-Year Highway Plan**
Assistant City Manager of Operations Kenny Schwab provided a brief background of State road funding through ODOT. He indicated on August 28, 2018, Broken Arrow residents voted in a bond and Proposition 1 had almost \$143 million dollars in it. He noted almost \$4.3 million dollars of this was for the 9th/Lynn Lane and Hillside Drive intersection and the Kenosha and 9th Street intersection. He continued to provide a brief history of this project up to today's acknowledgement of ODOT including the Broken Arrow Expressway Corridor Study into the State's 8-year Highway Plan. He discussed ODOT's involvement with the project. He discussed the proposed ramp from 9th Street going west, tying into the Broken Arrow Expressway which would allow southbound traffic to remain in the right hand lane to merge onto the Broken Arrow Expressway as opposed to turning left to merge onto the Expressway. He discussed the 7-lane bridge over the Expressway proposed by ODOT and Broken Arrow's agreement to provide the necessary infrastructure on either side of the bridge to support 7 lanes. He discussed ODOT's plans to work on the Expressway itself. He displayed and discussed an illustration of ODOT's plans which would include an auxiliary lane. He reported the next step would be to enter into an agreement with ODOT; the funding was in place and the process would begin in October with selection of a consultant. He displayed and discussed an illustration which showed where the auxiliary lane would be located. He reported the corridor study would be completed first to determine costs and then costs would be phased into the 8-Year Highway Plan.

Council Member Johnnie Parks asked if the bridge directly over the Expressway would still be widened.

Mr. Schwab responded three bridges would be improved, including widening of the Lynn Lane/9th Street bridge to 7 lanes. He noted Kenosha was already 7 lanes, and there was no discussion about widening Elm, but this could be identified as a needed through the corridor study. He noted Broken Arrow still had approximately \$4 million dollars of the bond money left on 9th Street, \$6.4 million dollars on Elm, and received an STP Grant through INCOG (separate from the 8-Year Plan) on Elm for \$3 million dollars and was working to move these funds to Lynn Lane, and these funds would be used to complete Broken Arrow's portion of the work along the Broken Arrow Expressway.

Council Member Lisa Ford noted the big hurdle was to get this project included in the 8-Year Plan. She stated while there was still more work to do and money to gather, she understood what an accomplishment this was for Staff. She commended and congratulated Mr. Schwab and Staff for achieving this goal.

Vice Mayor Gillespie asked if drivers would still have the ability to turn left to get onto the Expressway going southbound on Lynn Lane.

Mr. Schwab noted the plan was for the entrance to remain open.

Mayor Wimpee stated this was exciting. She thanked Mr. Schwab.

B. 23-945 Notification of award for a United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Planning Grant to the City of Broken Arrow for the Reconnecting Broken Arrow: Planning For Multimodal Improvements Project

Mr. Schwab reported after multiple years of submitting grant applications (TIGER, BUILD, and RAISE) only to come up short, on June 22nd, 2023 Senator Lankford's office notified Staff the City of Broken Arrow was selected to receive a \$5.84 million USDOT 2023 RAISE Grant based upon the City's application for planning of the Reconnecting Broken Arrow: Planning For Multimodal Improvements Project. He noted applying for a planning grant, as opposed to a construction grant, was recommended by INCOG. He discussed the benefits of a planning grant. He discussed the proposed project associated with the planning grant. He stated by using the grant, Broken Arrow could do the design and then use the remaining funds to construct the intersection improvements. He noted grants took a while to go through the process of getting agreements in, and it could be a year before Broken Arrow got the agreement in, but it was another \$5.84 million dollars for Broken Arrow to utilize for Transportation.

Vice Mayor Gillespie stated she was happy to see Omaha and Aspen included in this planning project.

City Manager Spurgeon stated including the RAISE Grant, Broken Arrow received over \$20 million dollars for projects through grants. He stated Broken Arrow worked very hard to ensure federal dollars returned to the City of Broken Arrow to supplement its projects. He indicated not every road project was eligible and he commended Travis Small and Kenny Schwab, and the Engineering and Construction team, for finding projects which were eligible for grants. He thanked INCOG for its support as well.

Mayor Wimpee noted this was the fifth time Broken Arrow applied for the RAISE Grant, and the first time it was awarded the grant.

C. 23-955 Notification of request by Oklahoma Department of Transportation and Sherwood Construction to restrict left hand turns at the intersection of 23rd Street and Houston Street for construction of ST0914 - 23rd Street Improvements from Houston Street to Kenosha Street

Director of Engineering and Construction Ethan Edwards reported traffic would be reduced to two lanes, one in each direction, at the intersection of 23rd Street and Houston, both north/south and east/west bound directions. He reported left hand turns would be restricted at the intersection to avoid stacking of traffic. He stated the contractor anticipated this restriction would be in place until the end of October.

Council Member Parks asked what route a driver who typically made a left hand turn at this intersection would need to take.

Discussion ensued regarding optional routes for drivers who wished to make a left hand turn at this intersection.

Mr. Edwards stated he would ensure messaging was released regarding detour routes.

Vice Mayor Gillespie asked what construction was taking place at this intersection.

Mr. Edwards responded the intersection was being widened from two lanes to five lanes.

Council Member Ford stated it was important to see the big picture: Broken Arrow was working hard to make the streets safe for driving.

D. 23-903 Presentation, discussion, and possible approval of the implementation of the 2022-2023 Broken Arrow Youth City Council's Big Idea recommendations Lori Hill

Community Relations Manager Lori Hill reported the Youth City Council's Big Ideas were presented to City Council on May 3, 2023 and were approved. She stated the Big Ideas were to add 10 hours of community service for each member of the Youth City Council annually and for each class of the Youth City Council to take a trip every year. She noted it was important to book trips early to ensure reasonable rates. She stated it was recommended the Youth City Council sophomores take a trip to the State Capital, Oklahoma City, in March, the juniors take a trip to the Regional NLC Conference this November in Atlanta, GA, and the senior trip would be to the National Conference in Washington D.C. in March.

Council Member Parks commended the Youth City Council for its Big Idea which he felt was well thought out and would improve the Youth City Council program. He noted the sophomore trip would be easy to coordinate. He indicated the junior trip in the fall could get expensive depending on group size. He noted it was possible to send only the junior Youth City Council Officers as opposed to all junior Youth City Council Members. He stated taking the seniors to Washington D.C. was the highlight of being a Youth City Council Member. He noted it cost approximately \$2,500 dollars per student to go on the Washington D.C. trip and the Youth City Council Members were asked to raise \$300 dollars of this cost. He indicated he felt sending the juniors to the Regional Conference was an excellent idea and if the City could afford to send them all he would recommend doing so.

Mr. Michael Godefri stated last year was his first with the Youth City Council and it was wonderful to see the Youth City Council communicating with other youth from other cities during the National Conference. He stated this communication was very valuable to the Youth City Council Members.

Mayor Wimpee agreed. She stated it provided an opportunity for the Youth City Councils to compare ideas.

Council Member Ford noted sending the different years on a different trip annually would also keep the Youth City Council Members engaged and provided something to look forward to.

Vice Mayor Gillespie noted traveling together also enabled the Youth City Council Members to bond. She stated there was also value in learning how to travel at an early age.

Mayor Wimpee asked how many juniors were in the Youth City Council.

Ms. Hill responded there were six juniors in the Youth City Council.

Council Member Parks stated he felt sending all six was affordable.

Council Member Ford agreed. She noted this was an excellent opportunity.

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

Move to approve the implementation of the 2022-2023 Broken Arrow Youth City Council's Big Idea recommendations Lori Hill

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

**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. She noted no action could be taken by City Council on any matter under this Item.

Citizen David Lindstrom stated this year the fireworks were so bad his dog jumped over the fence, injured himself, and had to get over 50 stitches. He stated fireworks were abusive to animals. He indicated he heard from many of his friends and acquaintances complaints of how the fireworks affected their pets, traumatizing the animals. He stated his dog was traumatized and would never hunt again. He said his dog was now scared of thunderstorms as a result of the fireworks and he now had to give his dog medicine at night to sleep. He stated the other issue with the fireworks in Broken Arrow was for combat veterans. He explained in combat every different round of artillery had a distinct sound. He discussed the reflexes he developed as a combat veteran and how every time a firework was set off, he reacted. He discussed how residents were not adhering to the appointed timeframe for fireworks and continued to set off fireworks for the week surrounding 4th of July. He stated the Police were overwhelmed and could not keep up with the complaint calls regarding

fireworks. He stated Broken Arrow needed to do something about the fireworks because it was unfair to pets and combat veterans.

Mayor Wimpee thanked Mr. Lindstrom for his service.

Council Member Parks agreed with Mr. Lindstrom. He noted he left Broken Arrow for the 4th of July holiday. He stated he went to Williamsburg and ran into the same problems. He discussed how the fireworks scared the horses at the horse ranch he was visiting. He indicated he was personally against fireworks, but the citizens voted for personal fireworks to be allowed with a permit in the city. He noted it was possible for the issue to be revisited in a future election, but at this time the voters approved the use of fireworks.

Mr. Lindstrom stated people had a right to smoke until that smoke entered his living area, and the same should apply to the sound of fireworks.

Council Member Parks stated it would take a vote of the people to change the rule.

Council Member Ford stated she felt the subject of fireworks should go back before the people, because the City had grown and perhaps the residents felt differently.

Council Member Parks indicated City Manager Spurgeon could be directed to bring this subject back to City Council in the future for consideration.

Mr. Lindstrom stated it was important to educate the public before asking the public to vote.

City Manager Spurgeon indicated he would bring this subject back before City Council sometime in August or September.

9. General Council Business

A. 23-878 Consideration, discussion, and possible direction to the Administration relative to nominating a City Councilor, or an appointed designee, to the Broken Arrow Genealogical Society Board

Ms. Lori Hill stated the Genealogical Society Board shared a space with the Museum of Broken Arrow, a user group in a City owned facility. She noted the Genealogical Society had an opening for one City Council Member on its Board; the Genealogical Society Board met quarterly in January, April, July, and October on the second Tuesday at 6:30 p.m. She asked if there was a City Council Member who would like to sit on this Board.

Council Member Ford asked if this Item could be postponed until the next City Council Meeting when Council Member Green was present.

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

Move to table this Item

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

B. 23-904 Consideration, discussion, and possible appointment of a Council member to co-sponsor the Youth City Council

Ms. Hill noted this Item could also be tabled until the next meeting.

Council Member Parks noted whoever volunteered to co-sponsor the Youth City Council was not required to attend every Youth City Council meeting every month. He noted the co-sponsor was most important during travel. He said it was an excellent experience.

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

Move to table this Item

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

C. 23-926 Consideration, discussion and possible appointment of one City Council member to the Subdivision Regulation Update Committee

Community Development Director Kevin Maevers discussed the Committee and how it would be organized. He noted the dates and times of meetings had not yet been determined.

Mayor Wimpee stated she felt this should be tabled until the next meeting.

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

Move to table this Item

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

D. 23-913 Consideration, discussion, and possible approval of the Fiscal Year 2023-2024 collective

bargaining agreement with the Fraternal Order of Police (FOP) Lodge No. 170

Human Resources Director Kelly Cox reported the City's Negotiation Team, and the Fraternal Order of Police began negotiations for the Union Agreement in February and reached a tentative agreement. She stated the FOP presented the tentative agreement to its membership and it passed. She noted this was submitted to City Council for consideration of approval.

City Manager Spurgeon recommended approval.

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

Move to approve the Fiscal Year 2023-2024 collective bargaining agreement with the Fraternal Order of Police (FOP) Lodge No. 170

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

E. 23-948 Consideration, discussion, and possible approval of Resolution No. 1541, a Resolution of the City of Broken Arrow, Oklahoma (the "City") approving action taken by the Broken Arrow Municipal Authority (the "Authority") authorizing issuance, sale and delivery of the Authority's Series 2023B Promissory Note to Oklahoma Water Resources Board; ratifying and confirming a Lease Agreement; ratifying and confirming a Sales Tax Agreement; and containing other provisions related thereto
Finance Director Cindy Arnold reported this Item needed to be tabled until after the BAMA meeting.

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

Move to table this Item until following the BAMA Meeting

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

Following the BAMA Meeting, this Item was revisited by City Council.

Finance Director Cindy Arnold stated City Council needed to acknowledge BAMA would be taking out a loan with the Oklahoma Resource Board not to exceed \$20,750,000 dollars. She stated Resolution No. 1541 did this and Staff recommended approval.

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

Move to approve Resolution No. 1541

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

10. Preview Ordinances

A. 23-869 Consideration, discussion, and possible preview of an Ordinance amending Section 5.2.B.4.a (Approved Tree List) of the City of Broken Arrow Zoning Ordinance; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

Mr. Maevers reported this was a preview ordinance to consider removal of the Callery pear tree from the approved tree list in the City of Broken Arrow Zoning Ordinance. He noted the Callery pear was a species of pear tree native to China and Vietnam and was most commonly known as a Bradford Pear tree. He reported the Callery pear was a weak tree easily damaged by ice and wind, commonly resulting in utility outages. He indicated due to its ability to invade and outcompete native plants, the Callery pear was determined by the Oklahoma Wildlife and Conservation Department to be a significant threat to native grasslands and grassland wildlife; it also posed a threat in forested areas where it grew in the understory and competed with native trees for water, minerals, and space. He indicated Staff contacted the City's horticulturist who was in agreement with removing the Callery pear from the approved tree list. He stated Planning Commission in their meeting of June 22, 2023 reviewed the proposed modification and recommended an Ordinance be drafted for City Council's consideration.

Vice Mayor Gillespie stated the Callery pear was a horrible tree which also sterilized other trees. She agreed the Callery pears were very weak trees; four fell down on her block during the last storm and took out fences.

Council Member Ford asked if the Ordinance prevented developers from planting Callery pears from this point forward.

Mayor Wimpee responded in the affirmative.

Vice Mayor Gillespie noted residents could still plant Callery pears if they wished.

Council Member Ford noted this Ordinance would simply prevent future developers from planting Callery pears; the City was not going to go around tearing down Callery pear trees

throughout the City.

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

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

B. 23-929 **Consideration, discussion, and possible preview of an Ordinance closing a utility easement from Atul Sood, on property located approximately one-half mile north of Dearborn Street (41st Street), one-half mile west of 37th Street (209th East Avenue) at 20105 E 36th Place, Wagoner County, State of Oklahoma, (Section 19, T19N, R15E); repealing all ordinances to the contrary; and declaring an emergency (EASE-000876-2023)**

Mr. Maevers reported the owner, Atul Sood, submitted an application requesting the closure of a 17.5-foot utility easement on property located approximately one-half mile north of Dearborn Street (41st Street), one-half mile west of 37th Street (209th East Avenue) at 20105 E 36th Place. He explained the applicant was requesting to close the easement to facilitate the construction of a new home. He indicated Staff reviewed the documents and recommended acceptance of the utility easement closure; AEP/PSO, Windstream, ONG, and COX had no objections to closing the easement.

Mayor Wimpee asked if the City was widening 41st at some point, and whether this would impact the widening.

Mr. Schwab stated the City was widening 209th in this location from 41st south to Omaha/51st, but with the closure being along 41st it should not cause any issues.

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

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

11. Ordinances

A. 23-943 **Consideration, discussion, and possible adoption of Ordinance No. 3793, an amendment to Broken Arrow Code of Ordinances, Section 16-12 - "Disturbing the Peace, Disorderly Conduct"; repealing all Ordinances to the contrary and declaring an emergency**

City Attorney Trevor Dennis noted this Ordinance was previewed at the last City Council Meeting. He stated the Rose District had an arts and entertainment district which would be exempt from the Broken Arrow Noise Ordinance, specifically between 10:00 PM and 2:00 AM every Friday and Saturday. He noted after previewing this Ordinance, City Council requested the New Orleans Square Overlay District also be exempted from the Broken Arrow Noise Ordinance at the same times and for the same reasons. He stated there was one other exemption added as well: generator noise during declared states of emergency would be exempt.

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

Move to adopt Ordinance No. 3793

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

B. 23-944 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3793**

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

C. 23-936 **Consideration, discussion, and possible adoption of Ordinance No. 3794, an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 26 - Emergency Medical Services and Outside the City Fire Subscription Program; Section 26-2 - Definitions; Section 26-3 - Medical Service Program and fee; and Section 26-4 Reserved; Repealing all ordinances to the contrary and declaring an emergency**

City Attorney Dennis stated the City of Broken Arrow adopted a LifeRide program in 2015 which was a monthly fee of \$5.45 dollars to pay for the Broken Arrow ambulance service. He reviewed the precipitous decline in participation in this program while the cost of ambulance services did not decline. He stated the cost of service in the year 2017 was \$6,047,438 dollars but the LifeRide program only generated \$5,038,465 dollars. He stated Staff estimated initiating a mandatory fee would generate an additional \$658,578 dollars in revenue to reduce the deficit for the LifeRide program. He stated this Ordinance would remove the opt-out ability for those who lived within City Limits going into effect October 1, 2023 to allow City Staff time to educate the public regarding this change. He stated between

the City corporate limits and the fence line there were several residents who received ambulance services, and those homes would retain the ability to opt-out of the LifeRide program. He recommended approval.

Council Member Parks asked if those residents outside City limits, but within the fence line, could continue to participate in the LifeRide program.

City Attorney Dennis responded in the affirmative.

Vice Mayor Gillespie asked why the City could not require those residents outside corporate City limits to participate.

City Attorney Dennis stated he did not feel Broken Arrow had the jurisdiction to enforce participation outside corporate City limits as this was where the City's police powers ended; however, those residents did have the right to opt-into the program.

Council Member Ford asked if the City would only respond to those who opted into the program.

City Attorney Dennis stated he did not believe that was the case, but he would defer to the Fire Chief in this regard.

Council Member Parks stated emergency services would respond to any call within the fence line, but those who did not participate in LifeRide would be expected to cover full costs of the service.

City Manager Spurgeon agreed.

Council Member Parks stated he felt Broken Arrow had the best ambulance program in the State of Oklahoma.

City Manager Spurgeon agreed.

Vice Mayor Gillespie asked if collections improved with the new collection company.

City Manager Spurgeon stated he expected to have an update sometime soon.

City Attorney Dennis stated he would get with the Finance Department and find out about the collection numbers.

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

Move to adopt Ordinance No. 3794

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

D. 23-937 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3794

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: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

E. 23-938 Consideration, discussion, and possible adoption of Ordinance No. 3800, an Ordinance amending the Broken Arrow Code of Ordinances, Section 23-234 to Chapter 23-Traffic, Article VII-Pedestrians; providing for soliciting rides, business, etc.; adopting a safety apparel requirement, repealing all ordinances to the contrary; and declaring an emergency

City Attorney Dennis reported Staff created a working group to look at various ordinances which could be presented to City Council to make it safer in the community for those who solicit on street corners. He stated it was illegal to solicit in the roadway, but it was legal to solicit from medians and shoulders. He noted it could be dangerous soliciting from medians and shoulders due to high traffic, speeding, visibility, etc.; therefore, this Ordinance would prohibit solicitors from soliciting from medians, curbs and shoulders unless wearing high visibility safety apparel defined as meeting the ANSI-ISEA standard 107-2020.

Council Member Ford asked if state law permitted solicitors on medians, and sidewalks.

City Attorney Dennis explained while soliciting from the roadway was prohibited by state law, soliciting from medians, shoulders, and curbs was protected constitutionally. He noted Oklahoma City attempted to prohibit solicitors from the median, curbs and shoulders, but the 10th Circuit Court of Appeals would not allow Oklahoma City to prohibit solicitors in those

areas.

Discussion ensued regarding the dangers of soliciting from the median.

Mayor Wimpee noted the City was not providing vests to those who wish to solicit. She stated if someone were soliciting on a corner without a vest, the police would issue a warning.

City Manager Spurgeon stated if this Ordinance were approved the City would educate the public of the new requirement for solicitors. He agreed the police department would have to issue warnings and educate panhandlers as the situations arose. He indicated there would need to be a tracking system if an individual chose to ignore the Ordinance.

Assistant City Manager Norm Stephens indicated the word would get out through social media and Broken Arrow Police would issue warnings. He stated this was the same type of Ordinance as Tulsa used, and Tulsa indicated it was amazing how quickly the panhandlers took to wearing vests.

Council Member Parks asked about an age limit for solicitors. He asked if it was possible to prohibit minors from soliciting.

City Attorney Dennis stated a curfew ordinance could be adopted and the police could do welfare checks on minors, but the City could not lawfully put an age limit on solicitors.

Council Member Ford stated children soliciting sounded like child endangerment.

Vice Mayor Gillespie and Council Member Parks agreed.

Council Member Ford stated perhaps this Ordinance would enable police to ask more questions.

Vice Mayor Gillespie asked if children were also required to wear a vest if soliciting.

City Attorney Dennis responded in the affirmative.

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

Move to adopt Ordinance No. 3800

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

F. 23-939 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3800

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

G. 23-940 Consideration, discussion and possible adoption of Ordinance No. 3801, an Ordinance adding Section 2-15 to Chapter 2-Administration, Article I-In General to the Code of Ordinances for the City of Broken Arrow, Oklahoma; providing for the display of flags by the City of Broken Arrow at City of Broken Arrow facilities; purpose for the Ordinance; the City's intent to only display the flag of the United States, the flag of the State of Oklahoma, the National League of Families' POW-MIA flag, the flag of the City of Broken Arrow and the flags of the United States Armed Forces at City owned or operated facilities; adopting a policy for the display of flags by the City of Broken Arrow at City facilities; order of precedence for display of flags; no other flags on City flagpoles; City Manager's authority to order flags to half-staff; repealing all Ordinances to the contrary; and declaring an emergency

City Attorney Dennis stated this Ordinance codified the process and flag etiquette already followed by the City and designated what flags the City would fly: flag of the U.S., State of Oklahoma flag, POW MIA flag, City of Broken Arrow flag, and Armed Forces flags.

Council Member Ford noted New Orleans Square flew promotional flags. She asked if this Ordinance was city-wide.

City Attorney Dennis explained the Ordinance applied to City owned facilities. He noted the City had a separate Ordinance for banners which allowed the City to display banners celebrating City recognized holidays.

City Manager Spurgeon recommended approval.

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

Move to adopt Ordinance No. 3801

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

H. 23-941 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3801

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

12. Remarks and Inquiries by Governing Body Members

Council Member Parks noted he understood Broken Arrow residents enjoyed the Broken Arrow 4th of July festivities. He stated he and his family spent July 4th at Thomas Jefferson's home.

Mayor Wimpee stated she and Lisa Ford were traveling to Tacoma, WA for a Public Safety and Crime Prevention Conference through the National League of Cities. She noted the panhandling signs would be installed July 24th.

Council Member Parks told a story about his experience at Thomas Jefferson's house and two-dollar bills.

Council Member Ford thanked and commended Staff and City workers for storm cleanup efforts.

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

City Manager Spurgeon thanked and commended Rocky Henkel and Jerry Schuber and teams for excellent storm cleanup. He stated a special meeting to review Aspen Landing Initiative would be needed. He reported the City's 4th of July events were a success and next year's events were being planned.

Council Member Ford stated she understood people came into Broken Arrow for the 4th of July event, not just from the surrounding municipalities, but from out of state.

City Manager Spurgeon thanked Kelly Cox for her negotiation efforts. He acknowledged the President of the FOP, Daniel Hurst, and the negotiation team. He indicated the City had a great relationship with the FOP. He thanked City Council for approving the Agreement.

City Manager Spurgeon stated he met with Charlie Bright this afternoon and early next month the request for proposal, or statement of qualifications, to begin the process of selecting a consultant for the potential new City Hall was being released. He noted the consulting services would be reviewed by City Council sometime in October.

Mayor Wimpee noted there was no Executive Session; however, City Council would need to recess for BAEDA and BAMA. At approximately 7:54 p.m. Mayor Wimpee called for a motion for a brief recess.

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

Move to recess for BAEDA and BAMA

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

Following BAMA and BAEDA, at approximately 8:09 p.m. Mayor Wimpee reconvened the City Council Meeting. Please see Item 9E for the matter considered at this time.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting was adjourned at approximately 8:10 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

Mayor

City Clerk