

City of Broken Arrow

Minutes City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Tuesday, September 5, 2023

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Pastor David Pelkey 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

Mayor Wimpee led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Wimpee indicated Item P and Q were to be pulled for discussion. She asked if there were any other Items to be removed from the Consent Agenda; there were none.

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

Move to approve the Consent Agenda less Item P and Item Q

The motion carried by the following vote:

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

- A. 23-52 Approval of the City Council Meeting Minutes of August 15, 2023
- B. 23-1127 Approval of the Broken Arrow City Council Special Meeting Minutes of August 15, 2023
- C. 23-1080 Acceptance of Planning Commission meeting minutes of July 13, 2023
- D. 23-1081 Acceptance of Planning Commission meeting minutes of July 27, 2023
- E. 23-1134 Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 GO Bonds, Proposition 6 funds to clear vegetation and mitigate the exposed utilities and erosion prone areas of the stormwater channel north of Park Grove Cemetery (Case No. 23-003)
- F. 23-1135 Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 GO Bonds, Proposition 6 funds for installation of a drainage system under the sidewalk along W Fargo Dr (Case No. 23-002)
- G. 23-1163 Approval of and authorization to execute Resolution No. 1544, a Resolution approving signatures for the City of Broken Arrow at Bank of Oklahoma
- H. 23-1101 Approval of and authorization to execute a Billing Services Agreement between Digitech Computer, LLC, and the City of Broken Arrow for EMS billing services
- I. 23-1151 Approval of and authorization to execute a Promotional License between Ice Challenge Enterprises, LLC and the City of Broken Arrow for the installation and operation of an outdoor holiday ice rink at the Rose District Pavilion
- J. 23-1162 Approval and authorization of updated Exhibit A to First Amendment to Ground Lease between the City of Broken Arrow Economic Development Authority and Stoney Creek Investors of Broken Arrow, LLC
- K. 23-1160 Approval of and authorization to execute a contract with Tulsa County for Provision of Public Improvements for the Federal Program Year 2023 Community Development Block Grant (CDBG) Program
- L. 23-1152 Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association, Incorporated
- M. 23-1145 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
- N. 23-1154 Approval of and authorization to execute Change Order No. 1 with Sherwood Construction Co, Inc., for Oklahoma Department of Transportation Project No. STP-172N(455)IG, (City of Broken Arrow Project No. ST0914 - 23rd Street

- O. 23-1155 **Improvements from Houston Street to Kenosha Street)**
Notification of City Manager's execution of Change Orders on Public Construction Contracts as authorized per Resolution No. 1439
- P. 23-1133 **Approval of and authorization to fund the second year of CentralSquare's Public Safety Pro Suite renewal order**
- Q. 23-1148 **Approval of and authorization to purchase of (1) Used Transit T-350 2020 passenger van with ADA package configured with passenger side mounted lift, from National Auto Fleet Group pursuant to the Sourcewell Cooperative Purchasing contract (formerly NJPA)**
- R. 23-1102 **Approval of and authorization to purchase Taser Conductive Electrical Weapons with accessories from Axon Enterprise f/k/a Taser International, a sole source vendor, for the Police Department**
- S. 23-1138 **Award the most advantageous bid to 5th Gear Cycles for the purchase of two (2) BMW motorcycles for the Police Department traffic division**
- T. 23-1146 **Approval of and authorization to issue a 15-day extension to award bids for good cause for the Community Center Roof Replacement Project (Project Number 216002)**
- U. 23-1147 **Approval of and authorization to issue a 15-day extension to award bids for good cause for the Streets and Stormwater Roof Replacement Project (Project Number 185317)**
- V. 23-1139 **Ratification of the Claims List Check Register Dated August 28, 2023**

6. Consideration of Items Removed from Consent Agenda

Mayor Wimpee read Item P: "Approval of and authorization to fund the second year of CentralSquare's Public Safety Pro Suite renewal order."

Director of IT Scott Carr discussed the implementation of the City's ERP (Enterprise Resource Planning) programs. He provided a brief background of Broken Arrow's implementation program noting 75 percent of ERP implementations failed. He discussed the reasons for failure including unrealistic expectations and failure to embrace the changes by the organization, as well as a lack of commitment from key stakeholders. He discussed what was needed for a successful implementation of an ERP program including experienced Staff and resources. He indicated an ERP system had many moving parts and problems would arise. He noted CentralSquare did not fully encompass the needs of the Broken Arrow Police Department; there were other computer software systems utilized by the Police which CentralSquare had to connect with. He discussed the GIS system, EZRI, and the data challenges and the data cleanup involved. He provided a brief history of the approval and implementation of CentralSquare Public Safety Pro Suite up to this point, the challenges faced and overcome. He indicated Broken Arrow was currently in the normal support mode for the Public Safety ERP. He stated this did not mean everything was perfect; it meant the system was up and running but required daily efforts to keep it running. He noted there was a weekly action status meeting with IT, Police, and Fire, to address issues as necessary, and a bimonthly meeting with Central Square for the same purpose. He stated currently there were 9 open issues with Central Square and a total of 33 open issues with Tyler Technology systems.

Council Member Lisa Ford stated she was glad Mr. Carr was on top of this and it sounded as if the implementation was going very well. She asked if Mr. Carr agreed.

Mr. Carr stated he was pleased with the status of the situation. He stated compared with many other cities, Broken Arrow was very fortunate and in a good place.

Council Member Ford stated she was glad to hear the Broken Arrow IT Department was meeting biweekly with CentralSquare to address issues. She thanked Mr. Carr and the IT Department for their efforts.

Vice Mayor Christi Gillespie agreed and thanked Mr. Carr and the IT Department. She stated she appreciated CentralSquare was willing to meet twice monthly with Broken Arrow.

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

Move to approve Consent Agenda Item P

The motion carried by the following vote:

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

Mayor Wimpee read Item Q: "Approval of and authorization to purchase of (1) Used Transit T 350 2020 passenger van with ADA package configured with passenger side mounted lift, from National Auto Fleet Group pursuant to the Sourcewell Cooperative Purchasing contract (formerly NJPA)."

Maintenance Services Director Ryan Baze reported the micro transit program was moving forward. He stated this was the request to purchase an ADA equipped micro transit van to transport those with limited mobility. He noted originally the City was looking at a new van, but the new van would not be available until after June 2024. He stated the used van had only 24,000 miles on it and was fully electric, qualifying for federal funding. He displayed

and discussed a photo of the proposed van and photos of the interior. He noted the van's range was approximately 140 miles and it could be charged fully in 30 to 35 minutes. He discussed the warranties on the van and indicated the purchase included training in how to use the van.

Vice Mayor Gillespie asked once the van was delivered, what were the next steps.

Mr. Baze stated once the City received the van and the electric vehicles, hopefully by January 2024, the City planned to have a January or February kickoff of the micro transit program. He stated Tulsa Transit would be the operators of the micro transit program.

City Manager Michael Spurgeon stated the pilot program would be advertised prior to implementation.

Vice Mayor Gillespie stated she was pleased the City was purchasing an ADA approved van for those with decreased mobility.

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

Move to approve Consent Agenda Item Q

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. 23-1100 Approval of and authorization to execute a Proclamation declaring the week of September 17-23, 2023, as Constitution Week

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

Vice Mayor Gillespie asked the Members of the Daughters of the American Revolution to come forward for commemorative photos.

The Daughters of the American Revolution discussed the meaning of, and presented Mayor Wimpee with, a commemorative bell.

Council Member Johnnie Parks noted Broken Arrow brought the Youth City Council to Washington D.C. annually where the Constitution and other original documents were visited. He stated the Broken Arrow Youth City Council honored the Constitution of the United States.

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

Move to approve and authorize execution of a Proclamation declaring the week of September 17-23, 2023, as Constitution Week

The motion carried by the following vote:

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

B. 23-1120 Presentation by Youth on Guard

Mayor Wimpee stated Council Member Parks did an amazing job with the Broken Arrow Youth City Council Seniors on the Washington D.C. trip. She stated the Youth on Guard would make a presentation about the Tomb of the Unknown Soldier reenactment which took place at Floral Haven. She reported Youth on Guard performed a reenactment every Memorial Day, following the 10 a.m. ceremony on the Saturday before Memorial Day continuing until 5 p.m. Monday.

Ms. Ashley Southerland and Ms. Baily Lundsford, Head Instructors for Youth on Guard, provided a brief history of Youth on Guard and its reenactment of the Tomb of the Unknown Soldier which began in 1995; it extended for 54 hours, beginning Saturday and extending

through Monday, and was done annually. They displayed and discussed photos of the training undergone by Youth on Guard including physical exercise, drill movements, rifle movements, marching, leadership, character development, and knowledge of the Tomb of the Unknown Soldier and Youth on Guard program. They discussed the Tomb of the Unknown Soldier ceremony. They discussed the philosophy, motto, and creed of the Youth on Guard, which was essentially the philosophy, motto and creed of the Unknown Soldier Tomb Guards adopted by the Youth on Guard. They noted the reenactment was intended to honor the Unknown Soldiers, provide a place where citizens could view the Ceremony, and provide a local place of healing for those who could not visit Arlington Cemetery.

Mayor Wimpee noted Youth on Guard accepted youth starting at the age of 12. She commended Ms. Southerland and Ms. Lundsford and the Youth on Guard.

Council Member Parks discussed his familiarity with the Tomb Guard as a young man. He stated he was pleased the Guard now included women who guarded the Tomb of the Unknown Soldier. He stated it was wonderful Youth on Guard was teaching the philosophy and creed of the Tomb Guard to Broken Arrow youth.

Council Member Ford commented it was good to view the ceremony both during the day and at night. She thanked the Youth on Guard.

Mayor Wimpee stated she had the honor of laying a wreath at Arlington Cemetery two years ago and saw a female Tomb Guard on duty.

Council Member Justin Green indicated he was the Commander for the Tulsa County Sheriff Office's Honor Guard and had a deep respect for the Youth on Guard. He commended Youth on Guard.

Mayor Wimpee asked how a youth might get involved with Youth on Guard,

Youth on Guard responded the Youth on Guard application season was about to launch and noted applications and information could be found at www.YouthOnGuard.org. They noted all were welcome to apply between the ages of 12 and 21; volunteers over the age of 21 were also welcome to apply.

C. 23-1110 Presentation from the Oklahoma Turnpike Authority on recent project updates
Vice Mayor Gillespie introduced Joe Echelle from the Oklahoma Turnpike Authority (OTA).

Mr. Joe Echelle briefly discussed the history of the OTA and the turnpikes built in Oklahoma by the OTA. He discussed how the Oklahoma turnpikes were funded through taxes and tolls. He indicated the OTA worked in concert with ODOT (Oklahoma Department of Transportation). He discussed the costs of running tollbooths, and the benefits of transitioning to Pike Pass and Plate Pay (cashless tolls). He stated no money was being lost with the conversion to cashless tolls, but there was some difficulty invoicing 2 percent of those who utilized the Plate Pay cashless toll system. He indicated ultimately money was saved with the conversion to cashless tolls. He discussed the reduction in traffic accidents with the elimination of tollbooths. He indicated www.AccessOklahoma.com had a map illustrating the improvements being made by OTA including additional widening of the Turner Turnpike, widening of the Will Rogers Turnpike, transitions to cashless tolling, connection improvements, bridge improvements, new lighting, and a new interchange near Coweta and Broken Arrow partnering with ODOT. He stated when widening was done, additional lighting would be added.

Council Member Ford stated she spent approximately \$1,200 dollars a year on tolls, and she felt significantly safer with the new lighting and extra lanes along the Turner Turnpike.

Mr. Echelle stated without a long range plan, there was no plan at all; this was why the OTA created its current plan for the next ten to fifteen years. He noted the safety improvements on the Turner Turnpike in the widened to six lane areas was tremendous and the completion of widening along the Turner Turnpike was a priority.

Vice Mayor Gillespie noted there was an area where upcoming OTA projects were listed on the OTA website.

Mr. Echelle concurred; www.AccessOklahoma.com.

Council Member Green noted toll prices increased for those without Pike Passes when the cashless toll conversion was made.

Mr. Echelle stated there were additional costs involved in collecting the Plate Pay tolls as compared to the Pike Pass tolls. He noted the risk of not collecting the toll was very small with a Pike Pass and the cost for collection was very low. He explained the costs involved

with the Plate Pay process included taking 24 photos of a vehicle to capture the license plate, computer image review, manual image review by a third party, confirmation of license plate number, investigation to determine home address associated with the plate, and the physical mailing of an invoice to a home address, perhaps multiple times, in an effort to collect the toll. He noted the Plate Pay customers were encouraged to transition to Pike Pass. He stated when a Plate Pay customer called in, said customer typically switched to Pike Pass at which time all unpaid tolls were converted to Pike Pass rates.

D. 23-1027 Presentation of post-event update for the 2023 Rooster Days Festival

Events Director with Broken Arrow Chamber of Commerce Tiffany Shepard reported there were over 31,000 attendees at the 2023 Rooster Days Festival which was held on May 18 through May 21, 2023. She reported there were 14 total food vendors present and over 120 marketplace vendors. She reported there were over 250 run participants and approximately 70 parade participants including the Pride of Broken Arrow and the Mounted Police Patrol. She reported there were over 19 different bands and artists who came together to entertain the community. She discussed how marketing funds were utilized and where advertising took place. She stated Rosco the Rooster retired and Rooster Days now had a new Rosco. She reported the 2024 Rooster Days Festival would be held May 16 through May 19, 2024. She stated Mitchell Brothers Amusements would again be present. She reviewed changes to the 2024 Rooster Days Festival including layout updates, and the discontinuation of the corn hole tournament. She played a brief video of the 2023 Rooster Days Festival. On behalf of the Broken Arrow Chamber of Commerce, she thanked City Council for its support.

Vice Mayor Gillespie stated it was wonderful having the festival once again in May this year as May was the traditional time of year for the festival. She said it was wonderful to have the Pride at the festival again. She said she heard great things about the carnival this year as well. She thanked Ms. Shepard.

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

Mayor Wimpee indicated one Citizen signed up to speak.

Citizen John Brandt stated he purchased a home in Broken Arrow in June 2023; he moved from Bixby. He stated he felt he was being penalized for doing the right thing. He indicated he installed a house alarm and when he purchased the alarm, he was required to obtain a first responders intrusion alarm permit, for which the initial cost was \$27 dollars for the first year, then \$12 dollars to renew annually or \$55 dollars for five years. He stated he did not understand why he would need to pay an annual fee to have a house alarm. He stated it felt like a penalization.

City Manager Spurgeon stated he would take Mr. Brandt's information, speak with Mr. Kenny Schwab, and get back to Mr. Brandt.

9. General Council Business

A. 23-1124 Consideration, discussion, and possible award of the lowest responsible bid to Ground Level, LLC and approve the execution of a construction contract for the Park on Florence 2nd Detention Pond Improvements project (SW1922)

Assistant City Manager of Operations Kenny Schwab reported this Item was to possibly award a public construction contract on the modifications to a regional detention pond, the Park on Florence 2nd Detention Pond, just north of Florence on 111th Street between Aspen and Elm. He stated the subdivision was built in 2000 and during the course of the design the City of Broken Arrow asked the developer to consider making the detention pond a regional detention to mitigate the flooding on Florence. He reported the developer agreed to oversize the detention pond to take in stormwater and create a regional pond. He stated the pond was supposed to be transferred over to the City for maintenance, but this was never done. He reported this oversight was corrected and in February 2020 the City went out to perform some maintenance, however, some of the residents did not want the City to cut down the overgrowth which had become a sort of wildlife sanctuary in the middle of the detention pond. He stated as such the City attempted to ensure the detention pond retained its stormwater detention aspect while also retaining the wildlife sanctuary aspect of the pond. He reported it took two years to get to this point, but he was pleased to announce the City was ready to move forward with the construction; two or three public meetings were held and one more would be held before construction began. He stated the project would cost \$323,611 dollars, a little more than anticipated but well within the budget. He discussed the project which would have two phases, a digging and construction phase and a planting phase.

Vice Mayor Gillespie stated she was excited about this project. She stated she spent a lot of time walking around this pond, speaking with the residents in the area, and learning about water detention. She stated she felt through this process a plan was developed for a type of detention pond which was very forward thinking, green, and could be used in the future.

Mr. Schwab concurred stating he hoped this type of pond would become standard throughout

Broken Arrow.

MOTION: A motion was made by Christi Gillespie, seconded by Johnnie Parks.
Move to award of the lowest responsible bid to Ground Level, LLC and approve the execution of a construction contract for the Park on Florence 2nd Detention Pond Improvements project (SW1922)

The motion carried by the following vote:

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

- B. 23-1156 **Approval of BAZ-000924-2023 (Rezoning), Bowden Rezoning, 3.33 acres, A-RE(Annexed - Residential Estate) to CG (Commercial General), located on the southeast corner of East New Orleans Street (East 101st Street South), and South Lynn Lane Road (South 177th East Avenue/North 9th Street)**
Community Development Director Kevin Maevers reported AZ-000924-2023 was a request to change the zoning designation on 3.33 acres from A-RE to CG. He reported the property was located On the southeast corner of East New Orleans Street, South Lynn Lane Road and was unplatted. He stated the property was annexed into the city and given a transitional zoning classification which most closely corresponded to the actual primary use of the said tract of land, Annexed Residential Estate. He stated the Broken Arrow NEXT Comprehensive Plan was adopted in August of 2019, and designated this land as Level 4, which was for commercial and employment nodes. He stated the property owner intended to sell this property and decided to bring the property into conformance with the Comprehensive Plan to make an easier transition for the potential purchaser. He recommended approval of BAZ-000924-2023 per Planning Commission and Staff recommendation, subject to platting.

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford.
Move to approve BAZ-000924-2023 per Planning Commission and Staff recommendation, subject to platting

The motion carried by the following vote:

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

10. Preview Ordinances

- A. 23-1067 **Consideration, discussion, and possible preview of an Ordinance closing a Drainage Easement on property located one-quarter mile south of Dearborn Street (East 41st Street), one-quarter mile east of Aspen Avenue (145th East Avenue), Tulsa County, State of Oklahoma, (Section 27, T19N, R14E), repealing all ordinances to the contrary; and declaring an emergency (EASE-000843-2023), and declaring an emergency**
Mr. Maevers reported the property owner, Forrest Hest, submitted an application requesting the closure of an approximately 0.08 acre drainage easement on property located approximately one-quarter mile south of Dearborn Street (East 41st Street), one-quarter mile east of Aspen Avenue (145th East Avenue). He stated Staff reviewed the documents and recommended acceptance of the drainage easement closure.

MOTION: A motion was made by Christi Gillespie, seconded by Justin Green.
Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

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

11. Ordinances

- A. 23-1085 **Consideration, discussion, and possible adoption of Ordinance No. 3803, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2024, along with PUD-288 generally located west of the northwest corner of Aspen Avenue (145th East Avenue) and Florence Street (111th Street), granting RS-4 (Single-Family Residential) zoning classification upon the tract along with PUD-288, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
Mr. Maevers reported this was a rezoning case approved previously by City Council in June 2019, but was subject to platting. He reported the property was now platted and was ready to move forward with the final amendment to the Zoning Ordinance. He stated Staff recommended adoption of the Ordinance and approval of the emergency clause.

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.
Move to adopt Ordinance No. 3803

The motion carried by the following vote:

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

- B. 23-1086 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3803**

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

- C. 23-1088 **Consideration, discussion, and possible adoption of an Ordinance No. 3804 closing a Temporary Turn-Around Easement on property located one-quarter mile south of Dearborn Street (East 41st Street), one-quarter mile east of Aspen Avenue (145th East Avenue), Tulsa County, State of Oklahoma, (Section 27, T19N, R14E), and repealing all ordinances to the contrary**

Mr. Maevers reported this was another easement closure. He stated the property owner, Forrest Hest, submitted an application requesting the closure of an approximately 0.18 acre temporary turn-around easement on property located approximately one-quarter mile south of Dearborn Street (East 41st Street), one-quarter mile east of Aspen Avenue (145th East Avenue). He stated Staff reviewed the documents and recommended acceptance of the temporary turn-around easement closure.

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

Move to adopt Ordinance No. 3804

The motion carried by the following vote:

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

- D. 23-1089 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3804**

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

- E. 23-1091 **Consideration, discussion, and possible adoption of Ordinance No. 3805, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2074, generally west of the northwest corner of Washington Street (91st Street) and 23rd Street (193rd East Avenue/County Line Road), granting RS-4 (Single-Family Residential) zoning classification upon the tract, and repealing all ordinances or parts of ordinances in conflict herewith**

Mr. Maevers reported rezoning case BAZ-2074 (A-1 and RS-4), which contained 87.17 acres, was approved by the Broken Arrow City Council on March 2, 2021, subject to the property being platted. He stated the platting was done, and Staff recommended City Council adopt Ordinance No. 3805.

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

Move to adopt Ordinance No. 3805

The motion carried by the following vote:

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

- F. 23-1092 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3805**

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

Move for the emergency clause

The motion carried by the following vote:

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

- G. 23-1114 **Consideration, discussion, and possible adoption of Ordinance No. 3806, an amendment to Broken Arrow Code of Ordinances Section 23-147, Spaces reserved for physically disabled persons; repealing all ordinances to the contrary and declaring an emergency**
City Attorney Trevor Dennis reported this was for the parking issue addressed at the previous City Council Meeting by Officer Chambers. He explained this Ordinance would bring Broken Arrow law in line with State law.

Mayor Wimpee stated she was in favor of this as just today she saw a motorcycle parked in the striped area reserved for handicap parking loading and unloading.

Council Member Ford thanked and commended Officer Chambers.

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

Move to adopt Ordinance No. 3806

The motion carried by the following vote:

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

- H. 23-1115 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3806**

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

Move for the emergency clause

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Council Member Ford stated she went to Normandy, France on vacation and to complete a Leadership Training Program at which there were 47 Legislators from across the United States in attendance. She displayed and discussed photos of the Leadership Program she completed and the interesting things she was able to see and learn about while in Normandy.

Mayor Wimpee stated Council Member Green was in the process of completing the City Council Onboarding process.

Council Member Green stated the Onboarding process was rewarding. He stated he was thankful the City had this Onboarding process for new City Councilors as he found the training invaluable.

Mayor Wimpee announced ScotFest was coming up on September 14, 2023.

Vice Mayor Gillespie read Article 1, Section 1, of the United States Constitution. She noted the Constitution was divided into seven sections.

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

City Manager Spurgeon reported Broken Arrow received its assessed value and would be able to increase the next sale for General Obligation Bond projects. He stated the list of projects would be sent to the City Council Members for discussion at an upcoming City Council Meeting.

At approximately 8:00 p.m. Mayor Wimpee noted there was an Executive Session and called for a recess for BAMA and BAEDA.

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

Move for a recess for BAMA and BAEDA

The motion carried by the following vote:

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

At approximately 9:45 p.m. the City Council meeting was reconvened by Mayor Wimpee who called for a motion.

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

Move to enter into Executive Session

The motion carried by the following vote:

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

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the City Attorney and any other pertinent staff members discussing, conferring on matters and possible action in open session pertaining to:

1. Discussing the employment of the City Manager, Michael L. Spurgeon, and specifically to permit the City Council to conduct the annual evaluation as provided for in the City Manager's Employment Agreement as amended and taking appropriate action in open session regarding his employment and contract as allowed for under 25 O.S. § 307(B)(1).

2. A pending litigation known as Mallory Krajian v. Eric Bentz, et al., Northern District of Oklahoma Case No. 19-cv-685-WPJ-CDL, including potential authorization to settle the claims, under 25 O.S. §307(B)(4).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the evaluation and claim and disclosure will seriously impair the ability of the public body to process the proceeding in the public interest. Moreover, that the Executive Session is necessary to protect the confidentiality of the employee evaluation as allowed by the Open Meeting Act. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

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

Move to find the Executive Session necessary to discuss pending litigation and annual evaluation of the City Manager

The motion carried by the following vote:

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

15. Adjournment

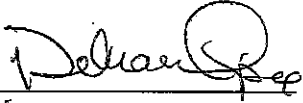
The meeting was adjourned at approximately 10:20 p.m.

MOTION: A motion was made by Christi Gillespie, 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

