



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, October 1, 2024

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Pastor Andrew Conley performed the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Mayor Wimpee asked if there were any Items to be removed from the Consent Agenda; Item L was removed.

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

Move to approve the Consent Agenda less item L

The motion carried by the following vote:

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

- A. 24-1199 Acknowledgment of upcoming out-of-state travel by City Council Members**
- B. 24-1310 Approval of and authorization to execute a Stop Loss renewal contract with Great Midwest Insurance Company (Skyward) for January 1, 2025, through December 31, 2025**
- C. 24-1312 Approval of and authorization to execute necessary documents with CVS to provide pharmacy benefit management services to be effective January 1, 2025**
- D. 24-1313 Approval of and authorization to execute all necessary documents with Personify Health (formerly known as HealthComp) to provide third-party administration for the employee health plan effective January 1, 2025**
- E. 24-1327 Approval of and authorization to execute the agreement with Honey Springs Mitigation Bank for the mitigation credits applied to the construction of Events Park Infrastructure Project (Project No. 2417210)**
- F. 24-1326 Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than \$50,000**
- G. 24-1339 Approval of and authorization to purchase emergency vehicle equipment for the new patrol Explorers from 911 Custom utilizing National Association of State Procurement Officials (NASPO) ValuePoint pricing**
- H. 24-1319 Approval of and authorization to purchase one 2025 Ford F150 Responder Pickup from Vance Ford, pursuant to the Oklahoma Statewide Vehicle Contract No. 1000009315**
- I. 24-1320 Approval of and authorization to purchase three 2025 Chevy Traverses from Vance Chevrolet, pursuant to the Oklahoma Statewide Vehicle Contract No. 1000009315**
- J. 24-1336 Approval of and authorization to purchase seven (7) 2025 Chevy Tahoe Police Pursuit Vehicles from John Vance Fleet Services, pursuant to the Oklahoma Statewide Vehicle Contract No. 1000009315**
- K. 24-1329 Approval of and authorization to execute purchase of one (1) Bobcat E38 Mini Excavator from White Star Machinery for the Parks Department pursuant to the National Association of State Procurement Officials (NASPO) Purchasing Contract**
- L. 24-1341 Approval of and authorization to reject all bids for Wrecker Service Bid 24.103, as the bids are not in the best interest of the City of Broken Arrow**
- M. 24-1335 Award the most advantageous bid to Greenhill Materials as primary with Apac-Central as secondary for purchase of 8" Surge Rock on an as-needed basis**
- N. 24-1325 Approval of and authorization to execute Change Order No. 6 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 Improvements from Houston Street to Kenosha Street)P.24-1155Notification of Quarterly Enterprise Resource Planning (ERP) Systems Status Report for City Council

- O. 24-1229 Approval of and authorization to execute Change Order No. 1 with Envision Civil Contractors for the Preserve Park Pond North Path and Slope Repair (SW24060)**
- P. 24-1328 Approval of and authorization to execute Change Order No. 1 with Tri-Star Construction, LLC for the Washington Street Roadway Improvements Olive Avenue to Aspen Avenue (ST1927)**
- Q. 24-1333 Ratification of the Claims List Check Register Dated September 23, 2024**

6. Consideration of Items Removed from Consent Agenda

Item L 24-1341 Wrecker Service Bid was removed from the Consent Agenda. Approval of an authorization to reject all bids for Wrecker Service bid 24.103 as the bids are not in the best interest of the City of Broken Arrow. Mayor Wimpee asked for discussion to begin.

Ryan Baze, Director of Maintenance Service, addressed the Mayor, Vice Mayor, City Council, and City Management about the city's wrecker service contract. In June, they went out to bid for the service, but after reviewing the bids, they found discrepancies in the bid package. Although one bid was initially presented at the last Council meeting, it was tabled. After further review, they decided to reject all bids and reissue the request with improvements to the bid process to better serve the city, Police Department, and Fire Department. Mr. Baze is available to answer any questions.

Tara Basha (citizen) representing Story Wrecker expressed frustration regarding the city's wrecker service contract process. She explained that her company has been handling services for the Police Department, providing free services like moving vehicles under 26,000 pounds and storing criminal hold vehicles, amounting to about \$50,000 in costs. Despite this, she is unsure of her contract status, as there has been no formal notice of its end, and she has not received responses from the City Attorney.

Basha highlighted that the maintenance department, not the Police Department, is now in charge of the bid process, which was closed but is being reopened due to issues with the current vendor, Morgan's, whose bid was deemed invalid. She expressed concern that the other vendor, despite not being approved, is receiving all the paid calls while Story Wrecker is left in limbo with no clear resolution. Basha requested help from the City Council for a meeting or clarification on how to proceed, as the ongoing delays are costing her business.

Mayor Wimpee asked for remarks from the City Manager.

City Manager Michael Spurgeon mentioned having discussed the wrecker service bid situation with Kenny Schwab earlier but is unfamiliar with some of the issues raised by Tara Basha, such as the claim that the city is already using a vendor they plan to select and a fire at the vendor's facility. The speaker clarified that the City Attorney typically does not meet directly with individuals involved in bid packages, and such matters should go through his office for coordination. He emphasized that the main focus is on the bids, and the current recommendation from staff is to reject all bids and reopen the bidding process. The speaker then asked Mr. Schwab and Mr. Baze to address questions about the situation.

Mr. Schwab explained that the wrecker service bid process is a closed bid to prevent outside influence on decision-makers. Mr. Baze is not the final decision-maker; the City Manager makes recommendations to the governing body. Due to undue outside influence and issues found with the bids, they decided to reject all bids and restart the process. Specifically, Story Wrecker pointed out a potential issue with a notary seal, which led to the discovery that two out of the three bids had invalid notaries. The City Attorney's role is to represent the city, not outside entities. To maintain the integrity of the bid process, there has been limited communication. The recommendation is to reject all bids and clarify the process moving forward. Mr. Bays was asked to provide additional details on the current vendor being used.

Mr. Baze addressed several points related to the wrecker service contract. In 2019, Story Wrecker was awarded the contract, which had four potential renewals, but the final renewal ended in June 2023. The city rebid the contract this year since it could not be renewed further. Issues with invalid notary seals, including one for Morgan Towing, led to the decision to reject all bids and restart the process.

Mr. Baze recounted an incident where a city truck was damaged, leading to a fuel spill. Story Wrecker was called but was unable to handle the situation, requiring city staff to bring out equipment. The city decided to test Morgan Towing's services during this incident. Morgan responded within 15 minutes, successfully containing the fuel spill and handling the damaged truck. This was the only time Morgan Towing was used, while Story Wrecker continued to provide all other services.

Mr. Baze clarified that the Police Department, including Major Garrett, had been involved in

the decision-making process, and all necessary staff were consulted. The test of Morgan Towing was part of the evaluation process, as the city wanted to ensure they could perform effectively before considering a recommendation.

Michael Spurgeon again stated due to an invalid notary; they are not being considered.

Mr. Baze clarified that Morgan Towing is no longer being considered for the wrecker service contract due to an invalid notary seal on their bid. After this discovery, all notary seals were reviewed, and it was found that Story Wrecker's notary seal was also invalid. This was confirmed by both the Purchasing Manager and the Oklahoma Secretary of State, who verified that Story's notary was revoked in 2021. The speaker is available to answer any additional questions.

Councilor Green acknowledged that Story Wrecker is still providing free services as per the contract, which is standard in law enforcement agreements. Mr. Green then asked for clarification on whether Story Wrecker's contract expired on June 30th, as it was mentioned that the contract would have ended on that date.

Mr. Baze stated the contract ended 15 months ago and was not renewed due to possible oversight as his staff believed it was still in effect. In addition, Mr. Baze stated most wrecker rates are set and the city follows what the state regulates.

Mayor Wimpee asked if Morgan and Story get their notary updated, they can resubmit bids, and was advised that is correct.

City Manager Spurgeon addressed concerns about a preconceived belief that a decision had already been made about the wrecker service provider, clarifying that this is not accurate. He mentioned that in previous communities he worked in, there were multiple towing companies on a rotation system, which is something the city could consider to ensure timely responses. While having one provider might be preferred, exploring multiple options is worth considering. He then echoed City Attorney Trevor Dennis' point that the purpose of the meeting is to reject the current bids, go back out for a new bid process, and return to the Council with the results.

Councilor Green asked how long the process may take and was advised approximately eight weeks.

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

Move to reject all bids for Wrecker Service Bid24.103, as the bids are not in the best interest of the City of Broken Arrow

The motion carried by the following vote:

Aye: 5 -

Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

A. 24-1322 Presentation of Oklahoma Floodplain Managers Association, Public Official of the Year award to Vice Mayor Christi Gillespie.

Kenny Schwab, Assistant City Manager and Vice Chair of the Oklahoma Floodplain Managers Association (OFMA) announced that the City of Broken Arrow's Vice Mayor, Christi Gillespie, was recognized as the 2024 OFMA Public Official of the Year on September 17th. He provided an overview of OFMA, established in 1990, which includes a diverse group of professionals advocating for effective floodplain management to save lives and reduce property loss from floods.

Mr. Schwab highlighted Vice Mayor Gillespie's leadership in prioritizing stormwater and floodplain management in Broken Arrow, her innovative approaches to development, and her commitment to mitigating flood risks. Her efforts contributed to the city winning the Ronald D. Flanagan Gold Project Award in 2023 for the park on Florence Regional Detention Facility and Restoration Project.

In addition to her council duties, she serves on the Community City Drainage Advisory Committee, assisting citizens with local drainage issues. Vice Mayor Gillespie is also seeking a state-level leadership role as a Republican candidate for Senate District 33. OFMA honored her for her dedication to enhancing stormwater management and building a more resilient community.

Vice Mayor Gillespie expressed gratitude for the knowledge gained from Mr. Schwab and the city staff, noting their helpfulness in answering questions. The Vice Mayor highlighted their enjoyment of serving on the Drainage Advisory Board with Councilor Parks and Chair Lori Hendricks. They noted the city's unique Proposition 6, which allows work on private property as long as it benefits the community. The speaker shared their newfound passion for drainage

and floodplain management and accepted the award with appreciation.

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 stated Missionary Edna Osborne and Sean Parrish signed up to speak.

Ms. Osbourne expressed pride in being a resident of Broken Arrow, contrasting it positively with their previous home in Portland, Oregon. They praised recent developments, such as improvements in floodplain management and the construction of a new store, highlighting its beauty and quality. The speaker mentioned their interest in the Homeowners Emergency Repair Assistance Program, hoping to apply for aid for repairs at their home. They thanked several city officials—Patrick Wilson, Nathaniel Kohl, and Kenneth Schwab—along with the stormwater drainage team and congratulated Vice Mayor Christi Gillespie for her patience and efforts. Overall, the speaker conveyed satisfaction with the city's progress and improvements.

Sean Parrish, a resident of Broken Arrow, addressed the Council regarding Agenda Item 9B, expressing concern that it may be postponed again. He emphasized that if the Item is postponed, he would reserve his comments for the discussion. Parrish accused Roush Coleman of trying to delay the process to diminish neighborhood opposition, noting that people tend to have short attention spans. He assured the Council that his neighborhood would remain engaged and continue to oppose the issue persistently.

9. General Council Business

A. 24-1280 Consideration, discussion, and possible approval of and authorization to execute the agreement with Oklahoma Turnpike Authority (OTA) for the new Events Park Exit Ramp Connection as part of the Events Park Infrastructure Improvements Project (Project No. 2417210)

Shannon Marshall, the Special Projects Division Manager, presented an agreement with the Oklahoma Turnpike Authority regarding a new exit ramp connection onto the Creek Turnpike for the Events Park. This ramp aims to manage traffic exiting the amphitheater after events. Marshall highlighted the collaborative efforts between the Turnpike Authority, city staff, and the design consultant in developing a design that meets OTA standards. She indicated that the OTA has already approved the agreement and encouraged the Council to approve it as well, offering to address any questions they might have.

Michael Spurgeon discussed the collaborative efforts between the city and state officials regarding various projects announced by Joey Kelly two years ago, including improvements to bridges and a new onramp from Highway 51 to the turnpike. The speaker emphasized the strong relationship with the Oklahoma Turnpike Authority and the importance of the amphitheater project. They praised the work of Charlie, Shannon, and the team in meeting project obligations and recommended approval of the agreement to ensure improvements are ready for the upcoming concert season next fall.

MOTION: A motion was made by Councilor Parks, seconded by Councilor Green Move to approve the agreement with Oklahoma Turnpike Authority (OTA) for the new Events Park Exit Ramp Connection as part of the Events Park Infrastructure Improvements Project (Project No. 2417210)

The motion carried by the following vote:
Aye: 5 Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

B. 24-1349 Consideration, discussion, and possible approval of PUD-001634-2024 & BAZ-001472-2024(Planned Unit Development & Rezoning), Oak Crossing, 39.36 acres, R-2 (Single-Family Residential) to RS-4 (Single-Family Residential), located approximately one quarter mile south of Houston Street (81st Street), and east of 23rd Street (193rd Avenue/County Line Road)

Planning and Development Manager Amanda Yamaguchi informed the Council that the applicant has requested to postpone an Agenda Item 9 tentatively to November 19th. Staff recommends postponing without a specific date, allowing the applicant to bring it forward when ready. However, they will require the applicant to send another public notice to all neighbors within a 300-foot radius, ensuring transparency about the new date and time of the Council meeting.

Councilor Parks expressed dissatisfaction with the repeated postponements of an agenda item, arguing that it is unfair to citizens who attend the meetings. They questioned the lack of explanation for the previous postponement, which was also at the applicant's request. Councilor Parks emphasized the importance of the applicant meeting with neighborhood

residents before proceeding, as they had indicated that such meetings would occur, but he was unsure if that actually happened.

Ms. Yamaguchi informed the Council that the applicant met with neighborhood residents on September 4th, where seven residents and six members of the development team discussed potential issues, including site access, land use, stormwater, and traffic. Modifications to the Planned Unit Development (PUD) were made based on Planning Commission recommendations, including changes related to fencing. However, the applicant is not ready to move forward. Councilor Ford supported the recommendation to avoid setting a specific date for the next meeting, citing the repeated delays as unfair and disrespectful to residents. Ms. Yamaguchi emphasized the importance of notifying citizens about the new date at the developer's expense, ensuring transparency. Councilor Parks expressed frustration with the situation, stating that he would not tolerate further extensions unless absolutely necessary, as he had invested significant time preparing for the current meeting.

Councilor Parks asked Ms. Yamaguchi several questions during the discussion. He inquired about the absence of brick in the buildings, to which she confirmed that there were no specified building materials in the Planned Unit Development (PUD) and no code requirements for bricks or specific siding. He also asked about the necessity of a road extending northward, indicating its potential importance for fire and police access; Ms. Yamaguchi responded that the requirement would be determined during the plotting process, and the PUD does not restrict it. Lastly, he questioned whether a bridge would be required over a deep creek in the southeast corner to connect to the subdivision, and she confirmed that a crossing would indeed be required.

Ms. Yamaguchi outlined the zoning change request from R2 to RS4, which includes the establishment of a Planned Unit Development (PUD). The proposed changes include reducing the required lot size from 6,500 square feet to 5,000 square feet and the minimum lot frontage from 55 feet to 50 feet. Additionally, the maximum height will be capped at 35 feet with an allowance for architectural features up to five feet. The minimum land area per acre will also be reduced, and the maximum lot coverage will increase to 65% for the entire development.

Councilor Parks expressed concern about the railroad right-of-way being used as open space, questioning if the railroad had approved this usage. Ms. Yamaguchi clarified that while the reserve is along the railroad, it is not within the actual right-of-way and can be used as open space as long as no structures are built.

Councilor Parks then raised concerns about the quality of building materials, specifically regarding the lack of brick in the proposed designs. He noted that previous subdivisions mandated brick to maintain property value and protect siding from weather damage. Councilor Parks expressed his dissatisfaction that the PUD did not include any restrictions on materials, fearing that the use of lower-quality siding like Masonite could depress property values. He suggested that brick or durable materials should be required for the development to ensure long-term value.

Stacy Boyd, a resident of Broken Arrow, expressed concerns about ongoing stormwater and sewage issues in her neighborhood, particularly in light of a proposed development that would add 155 homes. She highlighted that many of these issues were only addressed after residents raised them, especially as the neighborhood struggles with sewage backups and other problems.

Ms. Boyd criticized the lack of proactive measures before new developments, such as the planned FedEx facility and the expansion of Bluebell, which have exacerbated the existing issues. She pointed out that the new homes would connect to a single entrance on 193rd Street, which she noted will not be widened, worsening traffic flow as new families move in.

Ms. Boyd mentioned that the development targets families with a combined income of \$90,000, which she argued is unrealistic for many of the jobs in the area, potentially leading to an influx of at least 300 additional cars on already congested roads. She emphasized the need for better communication and answers from the developer, Roush Coleman, particularly regarding traffic and safety concerns for emergency services. She also noted the removal of a planned stub street that would have provided an additional exit, limiting access to the neighborhood.

Sean Parrish, a resident of Broken Arrow, expressed concerns about the significant traffic increase expected from a proposed development that will add over 150 homes. He cited data from a traffic study indicating that County Line Road currently handles nearly 18,000 vehicles daily. With the new development, he estimates an additional 300 cars, plus another 1,200 vehicles from an expanding development nearby.

Mr. Parrish warned that this congestion could lead to 1,500 extra vehicles during rush hours,

worsening traffic conditions on the already congested two-lane County Line Road. He also mentioned plans for an 180-unit apartment complex nearby, which could further increase traffic. He urged the Council to consider how this influx of vehicles would impact local neighborhoods, emphasizing that many residents might resort to cutting through neighborhoods to avoid the congestion, creating additional traffic issues. He concluded by asking the Council to reflect on how they would feel if faced with such increased traffic in their own neighborhoods.

Lori Hendricks, a resident of Broken Arrow and Wagner County Clerk, spoke against Roush Coleman's proposed development. She highlighted that a significant percentage of homes in nearby developments began as rental units, with some homes already sold to rental companies. Hendricks criticized Roush Coleman for being the most cited developer in Wagner County, known for threatening litigation to achieve their goals, including past lawsuits against local governments for zoning denials.

She argued that allowing Roush Coleman to proceed would undermine the authority of the City Council and potentially harm the existing community by prioritizing developer profits over resident needs. Hendricks emphasized the importance of balancing development with the interests of current residents, urging the Council to deny the proposal rather than postpone it. She stressed that the Council's primary responsibility is to ensure the well-being of existing residents, not to increase profits for developers.

Councilor Ford expressed a desire for an update regarding sewer backup issues that residents had raised previously. She recalled that this was the first time the city had been made aware of these problems and acknowledged the city's efforts to address them. Ford requested that the city provide information to the citizens present about the steps being taken to resolve these issues.

City Manager Spurgeon addressed comments regarding FedEx's location, stating that the decision was made without city input. They noted that the 2018 Bond Package included funding to widen the road to five lanes from Lynn Lane to Highway 51 and that design plans are nearly complete. The only delay is due to a waterway near County Line Road. The speaker emphasized that there was no funding in the Bond Package for improvements to County Line Road, and the decision on that will depend on future assessments. They also mentioned ongoing design work to improve the intersection at Washington County Line. The speaker indicated that they would invite Tim and Kenny to discuss findings related to system overcharges.

Timothy Robbins, the Utilities Department Director, addressed the Council about sewer issues raised in June. He explained that the area had experienced sewer overflows, with historical issues predating several nearby subdivisions. A previous upgrade in 2013 to the trunk line had resolved many problems, but recent overflows were linked to excessive rain events and operational issues from Bluebell's pretreatment system. Robbins reported that their analysis revealed that Bluebell's processes were contributing to higher sewer levels.

After discussions with Bluebell, they agreed to modify their operations by spreading out effluent pumping over a longer period, which has since reduced sewer surcharging incidents. Robbins noted that no surcharging had been observed in the last two weeks, indicating positive results. Additionally, he mentioned plans for a long-term solution to reroute industrial flows from the area to a new industrial park, although this project is currently unfunded and lacks a specific timeline.

Councilor Parks expressed his understanding of ongoing sewer issues and questioned if the city had been aware of the problem for a long time. Timothy Robbins confirmed that there had been sewer overflows, particularly from a lift station, until around 2014. The lift station was located at the lower left corner of Oak Creek South, and while some backups reoccurred in 2022, they were initially attributed to rain events rather than operational issues.

City Manager Spurgeon inquired whether enough data was available to consider a capital project for the next year, to which Robbins affirmed. Councilor Green encouraged citizens to report problems to the city, emphasizing that the Council makes decisions based on available information and not on the fear of litigation. Parks agreed with Green's stance on litigation and noted that developments would be required to manage water flow to prevent flooding.

The discussion transitioned to whether to take action on a pending development item. Councilor Ford asked about the implications of denying the item, while Trevor clarified that a significant change would allow the developers to return sooner than a year.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford. Move to deny PUD-001634-2024 & BAZ-001472-2024(Planned Unit Development & Rezoning), Oak Crossing, 39.36 acres, R-2 (Single-Family Residential) to RS-4 (Single-Family Residential), located approximately one quarter mile south of Houston Street (81st Street), and east of 23rd Street (193rd Avenue/County Line Road)

The motion carried by the following vote:
Aye: 5 Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

10. Preview Ordinances

- A. 24-1330 Consideration, discussion, and possible preview of an ordinance amending Chapter 6, Building and Building Regulations, Article IV, Electrical Code; Section 6-66, Adoption of National Code; amendments; repealing all ordinances to the contrary and declaring an emergency**

Planning and Development Manager Amanda Yamaguchi explained that in September 2022, the City Council passed Ordinance No. 3746, adopting the 2018 International Residential Code and the 2020 National Electrical Code. However, in April 2024, when Ordinance 3826 was passed to remove a contractor escrow requirement, it unintentionally reverted the city's Electrical Code back to the 2017 version. The current ordinance seeks to correct this mistake and reinstate the 2020 Electrical Code. Councilor Parks also praised the city's Inspection Department for its high standards and strict adherence to code compliance.

MOTION: A motion was made by Justin Green, seconded by Lisa Ford. Move to approve preview of an ordinance amending Chapter 6, Building and Building Regulations, Article IV, Electrical Code; Section 6-66, Adoption of National Code; amendments; repealing all ordinances to the contrary and declaring an emergency

The motion carried by the following vote:
Aye: 5 Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

11. Ordinances- NONE

12. Remarks and Inquiries by Governing Body Members

Mayor Wimpee noted Broken Arrow High School received a prestigious national award for their Fine Arts Department. It is the only school in Oklahoma and the ninth in the country to receive this recognition.

Council members visited the 138th Fighter Wing, where they were surprised to see the city's logo on an F-16 fighter jet. The jet, called "The Spirit of Broken Arrow," will fly with this logo, including football game flyovers.

Vice Mayor Gillespie celebrated the club's 50 years of service to the community and its impact on local youth sports.

The Mayor and Vice Mayor are competing with their signature burgers at District Burger, with proceeds going to charity—Broken Arrow seniors and soldiers, respectively.

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

City Manager Spurgeon introduced James Bell as the new CEO of the Broken Arrow Chamber and Economic Development Corporation (EDC). Mr. Spurgeon highlighted Mr. Bell's enthusiasm for the role, his family's excitement to join the Broken Arrow community, and his strong qualifications, including his background in the vibrant region of Northwest Arkansas.

Mr. Spurgeon also acknowledged the efforts of Amber Miller, Vice President of Economic Development, who managed the EDC's operations during the four-month vacancy. He praised her hard work and the EDC team's dedication. Mr. Bell, whose first day was recently, is expected to bring a proactive and energetic approach to the position.

Mr. James Bell expressed his excitement about joining the Broken Arrow community as the new CEO of the Chamber and Economic Development Corporation. He shared that his family, including his wife Hadiyah, their four-year-old son, nine-month-old daughter, and his in-laws, are all thrilled to relocate from Northwest Arkansas. Mr. Bell highlighted the appealing aspects of Broken Arrow, such as its strong schools, safe environment, and more affordable housing. He praised the Chamber staff and emphasized his eagerness to work with the Council and community, feeling grateful for the trust placed in him.

At approximately 7:47 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 Justin Green. 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 7:57 p.m. the room was cleared for Executive Session.

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

Move to clear the room for Executive Session

The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

At approximately 8:02 p.m. City Council entered into Executive Session

14. 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. **A pending litigation known as City of Broken Arrow v. Nikel Investments, LLC, v. Lamar Advertising Company, et al., Tulsa County District Court, Case No. CJ-17-1470, under 25 O.S. §307(B)(4);**
2. **A pending litigation known as Ryan Merrill v. City of Broken Arrow, et al., Eastern District of Oklahoma, Case No. 22-CV-0007-RAW-GLJ, under 25 O.S. §307(B)(4);**
3. **A pending investigation and claim, including potential resolution, of a matter involving the tort claim of the Ariana Ruiz, Tort Claim No. TRT 1560.2024 and taking appropriate action in open session, if any, under 25 O.S. §307(B)(4);**
4. **A pending investigation and claim, including potential resolution, of a matter involving the tort claim of the Richard McMahon, Tort Claim No. TRT 1569.2024 and taking appropriate action in open session, if any, under 25 O.S. §307(B)(4);**
5. **Discussion of the Disability Retirement from the Oklahoma Municipal Retirement Fund for Patrick Sills and taking appropriate action in open session, if any, under 25 O.S. Sect. 307(B)(7).**

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the claims and litigation, 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 investigation and potential litigation. 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 Lisa Ford.

Move to find the Executive Session necessary

The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

Move to deny the tort claim filed by Arianna Ruiz

The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

Move to deny the tort claim filed by Richard McMahon

The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

Move to authorize disability retirement of Patrick Sills

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 8:48 p.m.

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

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