



City of Broken Arrow
City Council Meeting
Minutes

City Hall
220 S. 1st Street
Broken Arrow, OK
74012

Mayor Debra Wimpee
Vice Mayor Johnnie Parks
Council Member Lisa Ford
Council Member Justin Green
Council Member David Pickel

Tuesday, June 15, 2026

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Rich Manganaro led the Invocation.

3. Roll Call

Present: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

4. Pledge of Allegiance to the Flag

The Pledge was led by Council Member Lisa Ford.

5. Consideration of Consent Agenda

- A. 26-11 Approval of the City Council Meeting Minutes of June 1, 2026
- B. 26-12 Approval of the City Council Meeting Minutes of May 19, 2026
- C. 26-955 Approval of the Special Joint Meeting (Budget Workshop) minutes of May 12, 2026
- D. 26-845 Acceptance of Planning Commission meeting minutes of May 14, 2026
- E. 26-907 Approval of and authorization to execute Resolution No. 1754, a resolution adopting Ordinance No. 3918, an ordinance amending Chapter 7, Business Regulations And Licenses, Article I - In General, of the City Of Broken Arrow Code Of Ordinances; specifically amending Section 7.3, Door-To-Door Peddler Solicitation; Restrictions, Registration, Penalties, to add the No-Knock List, License Revocation, And License Reinstatement Fee; repealing all ordinances to the contrary; and declaring an emergency
- F. 26-884 Acknowledgement of receipt of Oklahoma Department of Environmental Quality Notice of Violation, SWM-040001-26-1 dated May 15, 2026
- G. 26-885 Acknowledgement of Oklahoma Water Resources Board letter dated May 26, 2026 Stating Broken Arrow is effectively promoting and administering the National Flood Insurance Program
- H. 26-921 Approval of the Payroll and Benefit Calendar for Fiscal Year 27
- I. 26-924 Approval of and authorization to execute Budget Amendment Number 35 for Fiscal Year 2026
- J. 26-832 Approval of and authorization to execute a second renewal agreement with Addco Electric, Inc. for electrical services
- K. 26-797 Approval of and authorization to execute FY 2026 First Amendment to Broken Arrow Seniors Services Contract
- L. 26-941 Approval of and authorization to execute the second renewal for Medical Oxygen and Industrial Gas to American Medical Gas
- M. 26-799 Approval of and authorization to execute a Professional Services Agreement with Best & Sharp, for providing counsel and legal advice regarding Civil Rights law
- N. 26-940 Approval of and authorization to execute a professional services agreement between Dr. Stephanie Bradley, DVM and the City of Broken Arrow
- O. 26-915 Approval of and authorization to execute Agreement for Professional Consulting Services with Garver for the design of NEEDA (North Elm Economic Development Area Regional Pond Improvements and Madison Street Extension (Project Number SW25020)
- P. 26-886 Approval of and authorization to execute an integrated supply agreement Renewal No. 3 by and between Genuine Parts Company d/b/a NAPA Auto Parts and the City of Broken Arrow pursuant to the Sourcewell Cooperative Purchasing contract (formerly NJPA) number 110520-GPC
- Q. 26-827 Approval of and authorization to execute the first renewal to Graham Mechanical HVAC LLC as the vendor for HVAC services under \$2,500

R. 26-929	Approval of and authorization to execute a Memorandum of Understanding with Independent School District Number 3 (Broken Arrow Public Schools) for 1) providing partial funding for School Resource Officers and 2) funding school crossing guards
S. 26-854	Approval of and authorization to execute a renewal agreement with Infinity Fire for Fire Monitoring Services
T. 26-895	Approval of and authorization to execute Agreement for Professional Consultant Services with Kimley-Horn and Associates, Inc. for the 79th Street (Midway Road) and Houston Street Intersection Widening project (Project Number ST24240)
U. 26-912	Approval of and authorization to execute Agreement for Professional Consultant Services with Kimley-Horn and Associates, Inc., for On-Call Traffic Engineering and Related Support Services (Project Number 2652060)
V. 26-868	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
W. 26-928	Approval of and authorization to execute renewal of LarMar Industries for Generator Service and Repair
X. 26-816	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 employment law and labor law
Y. 26-948	Approval of and authorization to execute Oklahoma Real Estate Commission Acknowledgement and Confirmation of Disclosures, Oklahoma Real Estate Commission Vacant Lot or Tract and Oklahoma Real Estate Commission Cooperative Compensation Supplement for the purchase of real property located at 1201 South Main Street, Broken Arrow, Oklahoma 74012, the North 150 ft, Lot 2, Block 2, Maple Leaf Addition, Tulsa County
Z. 26-825	Approval of and authorization to execute the second renewal for Wrecker Service to Storey Wrecker and 918 Wrecker Service to be rotated at the first of each month
AA. 26-813	Approval of and authorization to execute a Client Services Agreement between the City of Broken Arrow and TEAM Professional Services, Inc., to provide occupational services for pre-employment and employment requirements
AB. 26-851	Approval of and authorization to execute a renewal agreement with TLS Group Inc for traffic signal repair services
AC. 26-796	Approval of and authorization to execute a Professional Services Agreement with Bradley Werner, LLC, for providing counsel and legal advice regarding Franchise law
AD. 26-848	Approval of and authorization to enter into a service agreement with Zartico, Inc. for economic impact and tourism tracking data
AE. 26-939	Approval of and authorization to execute a professional services agreement with Dr. Kristi Wittlich, DVM and the City of Broken Arrow
AF. 26-741	Approval of and authorization to execute an annual use agreement between the City of Broken Arrow and ArtsOK, Inc
AG. 26-859	Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Community Playhouse
AH. 26-744	Approval of and authorization to execute an annual use agreement between the City of Broken Arrow and Broken Arrow Genealogical Society
AI. 26-740	Approval of and authorization to execute an annual Use Agreement between the City of Broken Arrow and Broken Arrow Historical Society
AJ. 26-739	Approval of and authorization to execute an annual use agreement between the City of Broken Arrow and Broken Arrow MVA d/b/a Oklahoma Military History Center
AK. 26-742	Approval of and authorization to execute a Use Agreement and Services Contract between the City of Broken Arrow and Broken Arrow Seniors, Inc
AL. 26-738	Approval of and authorization to execute an annual use agreement and sublease between the City of Broken Arrow and Broken Arrow Veterans Center, Inc.
AM. 26-953	Approval of and authorization to execute an inter-local agreement with Independent School District No. 9 (Union Public School District) for school crossing guards
AN. 26-876	Approval of and authorization to execute the purchase of ACE Municipal Advantage Public Entity Liability coverage with limits of \$2,000,000 per claim/\$2,000,000 aggregate through ACE American Insurance Company (Chubb) effective July 1, 2026
AO. 26-913	Award the most advantageous bid to Apac-Central, Inc., as primary with Greenhill Materials, and Anchor Stone Company as back-up bidders, for purchase of Aggregate as needed
AP. 26-914	Award the most advantageous bid to Apac-Central, Inc. and Ellsworth Construction and as the primary vendors, and award Millennial Asphalt as a back-up vendor for asphalt as needed
AQ. 26-918	Award the most advantageous bid to Central Salt for the purchase of Medium Road Salt with YPS (Yellow Prussiate of Soda) for the Streets and Stormwater Department
AR. 26-878	Approval of award to the most advantageous bid to Crown Office Furnishings, for the purchase of Furniture, Fixtures and Equipment (FF&E) for the Operations Center Administration Building (Project No. 2317210)
AS. 26-945	Award the most advantageous bid to Green Acre Sod Farms for purchase of Bermuda Sod on an as-needed basis
AT. 26-916	Award the most advantageous bid to Greenhill Concrete as the primary vendor and award NexLevel Redi Mix as backup vendor for Concrete as needed

- AU. 26-862 Award the most advantageous bid to HHM Facility Management, LLC and authorize execution of a service agreement for Janitorial Services for City owned facilities listed in bid No. 26.151
- AV. 26-917 Award the most advantageous bid to Termax Pest Control for Pest Control Services for the various City owned facilities
- AW. 26-899 Approval of and authorization to execute the Change Order #5 with Becco Contractors, Inc. for the Houston Street Widening, Garnett Road to Olive Ave (ST2028)
- AX. 26-856 Approval of and authorization to execute Change Order #2 with Builder's Unlimited, Inc for the Park Maintenance Building Events Park (2560140)
- AY. 26-837 Approval of and authorization to execute the Change Order #2 with Cherokee Pride Construction, Inc. for the Carriage Crossing Residential Rehab Project (ST25310)
- AZ. 26-819 Approval of and authorization to execute Resolution No. 1753, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 7.0, consisting of 13,120 square feet of permanent Right-of-Way located at 706 East New Orleans Street in Broken Arrow, Oklahoma, in the Southeast Quarter of Section 23, Township 18 North, Range 14 East, Tulsa County, Oklahoma, from Harvest Church of Broken Arrow, Inc., and Acceptance of Temporary Construction Easements for Parcels 7.A and 7.C, consisting of 600 square feet and 2,122 square feet, respectively, for the Ith Street widening from New Orleans Street to Washington Street (Project No. ST23280)
- BA. 26-823 Approval of BAZ-002810-2026, Garvin Rezoning, 3.33-acre, AG (Agricultural) to RS-C (Single-Family Residential - Compact) and abrogation of PUD-001983-2025, south of Albany Street (61st Street), one-third mile east of 23rd Street (193rd E. Avenue/County Line Road)
- BB. 26-822 Approval of PT-002841-2026|PR-000809-2025, Conditional Final Plat, Harvest Church BA, approximately 4.56 acres, 1 Lot, AG (Agricultural) to CG (Commercial General) via BAZ-002238-2025, and SP (Specific Use Permit) 002459-2025, located at the northwest corner of New Orleans Street (101st Street) and 9th Street (177th E. Avenue/Lynn Lane Road)
- BC. 26-965 Approval of PT-002870-2026|PR-000934-2026, Conditional Final Plat, Bentree Lift Station, 6.27 acres, 1 Lot, AG (Agricultural) and PUD-001983-2025, located one-eighth mile south of Albany Street (61st Street), one-third mile east of 23rd Street (193rd E. Avenue/County Line Road)
- BD. 26-820 Acceptance of a Utility Easement, consisting of 13,153.16 square feet of permanent utility easement, and of a Temporary Construction Easement, consisting of 6,576.88 square feet of temporary construction easement located at 706 East New Orleans Street in Broken Arrow, Oklahoma, in the Southeast Quarter of Section 23, Township 18 North, Range 14 East, Tulsa County, Oklahoma, from Harvest Church of Broken Arrow, Inc., for the 9th Street widening from New Orleans Street to Washington Street Parcell3.0 and 13.1 (Project No. S.26040)
- BE. 26-871 Approval of and authorization of Final Acceptance for the public improvements at Peak Development Broken Arrow located at 2201 West Norfolk Drive
- BF. 26-873 Ratification of the Claims List Check Register Dated June 08, 2026

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

Move to Approve Consent Agenda as presented

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

6. Consideration of Items Removed from Consent Agenda – NONE

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

- A. 26-573 **Presentation of a Proclamation signed by the Mayor declaring support for the United States Semi-quincentennial**

Mayor Debra Wimpee read aloud a proclamation declaring support for the United States Semi-quincentennial (250th) anniversary.

- B. 26-725 **Presentation and update of Broken Arrow's America 250th Birthday celebration activities**

Community Relations Manager Lori Hill reviewed upcoming events and activities to be held in Broken Arrow to celebrate America's 250th birthday. There will be the New Orleans Square Block Party on June 26th and 27th. On Tuesday, June 30th there will be a time capsule ceremony at Veterans Park. On that same day there will be a Tuesday in the Park concert followed by a firework show. There is a goal, partnered with Our Blood Institute, to collect 250 pints of blood. Broken Arrow Parks Department are offering July 4th pool passes will be \$2.50.

Mayor Debra Wimpee noted that a jet flyover is scheduled for the downtown area on the 4th of July, between 12:00-1:00 p.m., to celebrate the holiday.

C. 26-821 Notification of road closure at the intersection of 9th (Lynn Lane) and Washington

Engineering and Construction Director Charlie Bright provided information regarding the road closure at the intersection of 9th/Lynn Lane and Washington/91st Street. There is an active construction site to widen the road. Until it's finished the road will be closed because they are doing work at the intersection. There isn't any room to make those final improvements without it being completely shut down, but once complete, it will improve flow of traffic. This could potentially be up to eight road closures, but they would not all be simultaneously. It would be one leg at a time.

D. 26-920 Presentation regarding fireworks enforcement in the City of Broken Arrow for 2026

Fire Marshal Justin Sharp and Major Garrett spoke about item 26-920. Justin Sharp reviewed the City of Broken Arrow's fireworks ordinance which states that fireworks are only allowed to be shot within the city limits on the 3rd and 4th of July. No permits are required this year. Hours of operation are between 3p.m. and 11p.m., after that fines double and law enforcement becomes a lot stricter. There are rules listed in the ordinance: fireworks are only allowed on non-combustible surfaces, they cannot be within 25 feet of a structure, and individuals have to clean up debris the same day, cannot discharge in City parks, no streets larger than 26 feet wide or any of the main arterials, fines start at \$274 and then double to \$549 plus court costs. Major Garrett reviewed the Red Glare Act (Senate Bill 1948), which went into effect on May 29, 2026, and that all City ordinances are still in effect.

Both fire and police have enforcement plans in effect for this holiday. There will be a few teams dedicated to nothing but fireworks.

E. 26-966 Approval of SP-002852-2026 (Specific Use Permit), Storm Family Accessory Structure, 13.19 acres, RS (Single Family Residential), located north of East New Orleans St (101st Street) and west of South 9th Street (Lynn Lane Road)

Community Development Director Rocky Henkel presented item 26-966, a request for a conditional use permit for an accessory dwelling structure to exceed 5,000 square feet maximum floor area on a lot greater than two acres in size. The floor area for this structure is planned to be 60 feet by 120 feet for a floor area of 7,200 square feet. All setbacks for the current zoning are met in the exhibit. The lot is approximately 13 acres in size and created in lot combination BAL 2154 to allow for development of two single family homes. The use of the structure will be limited to personal uses and those home occupation uses allowed under current zoning ordinance. To the north is comprehensive plan level one. Zoning is agricultural. The land use is vacant. To the east, comprehensive plan is level two. The zoning is AG and RS. The land use is vacant. To the south is level two. The zoning is RS. It is a single-family residential home. To the west is level 2, zoning district is RS, and the land use is single-family residential. The Planning Commission recommended approval 4.0 of this item in their meeting held on June 11, 2026. No one spoke in favor or in opposition to this item.

MOTION: A motion was made by Lisa Ford, seconded by David Pickel

Move to approve Item 26-966

The motion carried by the following vote:

Aye: 5 -

David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

F. 26-967 Consideration, discussion, and possible approval of PUD-002802-2026 (Planned Unit Development), Advance Alarm, 0.52 acres, IL (Industrial Light), located south of Houston Street (81st Street) and east of 9th Street (177th E Avenue)

Community Development Director Rocky Henkel presented item 26-967. This is a proposed plan unit development to alter setback lines on an industrial lot located at 809 East Jackson Place, south of Houston Street and east of 9th Street. Current Broken Arrow zoning regulations require that any industrial light zones have rear setbacks of 30 feet. Setbacks from property lines abutting a different non-residential zone is also 30 feet, and this requirement would apply to the east property line. However, the property to the rear is the railroad, and the property to the east is non-conforming use with a CH commercial heavy zone. The applicant, on behalf of the property and business owner, Advance Alarms, is requesting a PUD for the property to reduce the required setbacks. If approved, the applicant is proposing to develop a 2,857 square foot structure as part of an expansion for their business. The proposed building will include a few offices, a bathroom, and a storage room.

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

Move to approve the request

The motion carried by the following vote:
Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, 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) - NONE

9. General Council Business

A. 26-841 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1755, a Resolution of the Broken Arrow City Council adopting the Fiscal Year 2027 Annual Budget for the City in accordance with the provision of the Municipal Budget Act

City Manager Michael Spurgeon provided a Power Point presentation reviewing a summary of the proposed budget for Fiscal Year 2027, indicating staff recommendation of Resolution No. 1755, indicating that a budget workshop was held on May 12th, 2026, and on June 1st the City Council held a public hearing on the budget. At this meeting the final adoption of the budget will be held, which will be from July 15th, 2026, to June 30th, 2027. The budget is \$487,039,418 and there are proposed revenue expenditures for all funds, proposed department budgets, special funds, fund balances, and the proposed bond sales. The operational budget is \$194,629,027. Operational breakdown is personnel services, a little over \$119 million. Other services and charges, right at \$61 million. Materials and supplies. \$14.7 million. Our capital outlay is \$242,723,000. And debt service is \$49,686,733.

MOTION: A motion was made by Justin Green, seconded by Lisa Ford
Move to approve Item 26-841

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

B. 26-858 Consideration, discussion, and possible approval to modify the existing back-in parking configuration on Main Street between Washington Street and Houston Street

City Manager Michael Spurgeon presented this item 26-858. Mr. Spurgeon indicated that there has always been a question surrounding the effectiveness of the back-in parking, and after speaking with the Mayor, Mr. Spurgeon put together a Request for Action (RFA), asking the council to consider the parking modification. A big concern is surrounding the fact there has never been enforcement anywhere downtown so as not to drive customers away. The Tourism and Economic Development (TED) team works to get employees to park elsewhere instead of in front of the business. After consideration, Mr. Spurgeon recommends the council go back to the pull-in parking.

MOTION: A motion was made by Debra Wimpee, seconded by Lisa Ford
Move to approve Item 26-858

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

C. 26-956 Consideration, discussion, and possible approval of and authorization to execute Resolution No 1756, a Resolution of Necessity to file a Claim in District Court against L.S. Multani, owner of Homewood Suites located at 4900 Madison Pl. Broken Arrow OK 74012 for failure to report and or pay Hotel Occupancy Tax owing for the period of July 2023 to April 2024, August 2024 and period February 2025 to April 2026

Finance Director Cindy Arnold spoke on item 26-795. There is one hotel, Homewood Suites, that hasn't paid the hotel-motel tax in a while. The people who run the hotel have ignored all correspondence sent on this issue. \$82,000 is owed at this point, Arnold is asking for approval of Resolution 1756 so that the owner of Homewood Suites at 4900 Madison Place, Broken Arrow, Oklahoma, can be taken to district court.

MOTION: A motion was made by Lisa Ford, seconded by Johnnie Parks
Move to approve Item 26-956

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

D. 26-860 Consideration, discussion, and possible approval of a Noise Ordinance waiver for Broken Arrow Lacrosse Club to host a 24-hour tournament on August 8, 2026, at Nienhuis Park

Parks Director Matt Hendren is proposing a noise ordinance waiver for the Broken Arrow Lacrosse Club 24-hour tournament at the Nienhuis Football Complex. The tournament is centered around supporting those who have served our country. With the removal of the noise ordinance, tournament activities would continue uninterrupted between 11 p.m. on August 8th to 7 a.m. on the 9th. Parks Director Matt Hendron introduced Broken Arrow Lacrosse Club

Representative Chad Lott. Mr. Lott advised council that the Lacrosse Club is requesting the waiver to host “Shootout for Soldiers”, a nationally recognized 24-hour lacrosse event, whose mission is to use the sport of lacrosse to raise funds and awareness to support American Veterans. More than 40 teams are expected to take part in this tournament with several military focused charities being worked with. Councilor Ford inquired whether the neighbors in the area had been notified of the 24-hour tournament and requested noise waiver. Mr. Lott responded that they had not. Councilor Ford requested that she prefer the neighbors within a certain proximity to be notified.

City Manager Michael Spurgeon voiced his support for the event but agreed that the neighborhood should be notified.

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford
Move to table Item 26-860 until 7/14/2026 meeting.

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

E. 26-818 **Consideration, discussion, and possible approval of previously tabled item "Approval of and authorization to award Bid No. 26.148 Opioid Abatement utilizing funds from Opioid Abatement Settlement Fund, Project No. 2630410 to Omni Institute and approval of and authorization to execute Budget Amendment Number 30 for Fiscal Year 2026"**

Police Chief Lance Arnold presented this item, which was previously tabled at the May 19th meeting to allow council additional time for recommendation. This item, Section K of the RFA established five published evaluation criteria for the following weights. Experience and qualifications were 25%. Project approach and methodology was 30%. Understanding of project goals was 15%. Cost proposal was 20%. And references were 10%. Omni Institute earned the highest overall score and ranked first in three of the four scored criteria, including the most heavily weighted project approach and methodology and experience and qualifications, and staff's recommendation is to approve Omni Institute for this proposal.

MOTION: A motion was made by Lisa Ford, seconded by David Pickel
Move to approve Item 26-818

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

F. 26-889 **Consideration, discussion, and possible approval to authorize execution of a five-year Master Service Agreement with Axon Enterprise, Inc. to provide integrated technology solutions, equipment, software, and support services for the Broken Arrow Police Department**

Police Chief Lance Arnold introduced this item to the council. He proposed a technological ecosystem that has some items that the city currently has, like the TASER, FUSUS real-time operations, and Evidence.com, but it also includes items that are not in the current technology and software, items the police department currently have, but with different vendors. Axon is used in 17,000 agencies across 130 countries; the technology offers real-time translation on the device, sensors on the body which would initiate bodycam recording if a weapon is unholstered, virtual reality (VR) training, and a secure cloud which includes unlimited storage, all while saving money over the five-year contract term.

Even with the implementation of the AI call transcription, if someone dialed 911, they would still be reaching Broken Arrow dispatchers.

MOTION: A motion was made by Justin Green, seconded by David Pickel
Move to approve Item 26-889

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

G. 26-879 **Consideration, discussion, and possible approval of award to the lowest responsible bidder, Cherokee Pride Construction Inc. and authorization to execute a construction contract for Liberty Trail Retaining Wall (Project No. SW26050)**

Engineering and Construction Director Charlie Bright spoke on item 26-879. The wall needed to be completely replaced, it's 800 feet long and it's up to eight feet tall. The trail has been shut down for a while with this construction. Following the state bidding procedure, Cherokee Pride Construction was the low bidder, it is recommended they are awarded.

Councilor Pickel inquired about estimated timeframe for completion of the project. Mr. Bright responded that once construction begins 120 days to complete.

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

Move to approve Item 26-879

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

H. 26-927 Consideration, discussion and possible approval of award to the lowest responsible bidder, Cherokee Pride Construction, Inc, and authorization to execute a construction contract for the 6th Street Widening project (ST1922)

Transportation Division Manager Travis Small presented item 26-927. Mr. Small explained that the 6th Street left-turn lane project has been on the books for a while and that a consulting firm has been working on the plans and design for the lane, which will provide better access to the Public Safety Complex. Bids were opened last week for this project and Cherokee Pride was the lowest responsible bidder, for a total bid price of \$227,405. Mr. Small went on to explain that the road will need to be closed to complete the project in the safest, best, and most efficient manner. The Public Safety Complex will have access via 4th and Madison, as well as 9th and Lansing. Mr. Small advised council that staff recommend approval of the project.

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

Move to approve Item 26-927

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

I. 26-968 Consideration, discussion, and possible approval of PUD-002820-2026 (Planned Unit Development), Happy Hands, 1.16 acres, ON (Office Neighborhood), located north of Washington St (91st Street) and east of Garnett Road (113th E Ave)

Community Development Director Rocky Henkel presented this item. PUD 2820-2026 is a planned unit development request allowing school uses within an office neighborhood zoning district. Happy Hands Education Center is a nonprofit organization focused on families with children who are hard of hearing or deaf and provide licensed and accredited childcare. The organization also employs hard of hearing and deaf adults as part of its mission. The organization is currently housed within its campus across from San Antonio Street. Families have requested elementary age education opportunities for their children. This would require additional classroom space that is not available or easily added to the original facility. Happy Hands has reached a tentative agreement with the owner of the subject property to lease a portion of the building to house additional classroom space for elementary-aged children. This PUD only amends the allowed uses for the subject parcel. All other requirements of the zoning ordinance need to be met during the renovation process. There would be no external changes to the building or property as well. PUD 2820-2026 was recommended for approval with a 3-1 vote on May 28, 2026. Per the Broken Arrow Planning Commission there was one vote to abstain staff recommends you approve PUD 2820-2026 per Planning Commission and staff recommendations.

Jan Pride, owner of Happy Hands, approached council and reviewed the needs of expansion for the business and offered to answer any questions.

MOTION: A motion was made by David Pickel, seconded by Lisa Ford

Move to approve Item 26-968

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

J. 26-951 Consideration, discussion and possible appointment by the Mayor of an Alternate Judge for the Broken Arrow Municipal Court, and possible approval of and authorization to execute an Employment Contract for Professional Services as Alternate Judge for the City of Broken Arrow's Municipal Court

City Attorney Trevor Dennis said that the three alternate judge recommendations are Jerry Lundy, Hans Lear, and Teresa Webster. The mayor is to select one of the three names to appoint for the next contractual term. Mayor Wimpee explained the process of the committee and that Jerry Lundy was the choice for alternate judge. Mayor Wimpee also discussed reviewing having more than one alternate judge, and City Attorney Trevor Dennis advised that the ordinance would need to be amended to include more than one alternate judge. Mayor Wimpee nominated Jerry Lundy to be appointed as the alternate judge.

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

Move to approve Item 26-951

The motion carried by the following vote:

Aye: 5 -

David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

K. 26-952

Consideration, discussion and possible reappointment of Dennis Sagely as Presiding Judge for the City of Broken Arrow Municipal Court, and possible approval of and authorization to execute an Employment Contract for Professional Services as Presiding Judge for the City of Broken Arrow's Municipal Court, including a possible 3% adjustment in base rate of pay

The recommendation is to reappoint the presiding judge, Dennis Sagely.

MOTION: A motion was made by Lisa Ford, seconded by David Pickel

Move to approve Item 26-952

The motion carried by the following vote:

Aye: 5 -

David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

10. Preview Ordinances

A. 26-839

Consideration, discussion, and possible preview of Ordinance No. 3919, an ordinance amending Chapter 16, Offenses-Miscellaneous, Article I, In General, Section 16-12, Disturbing the Peace, Subsection (a)(7), of the Broken Arrow Code of Ordinances, clarifying that the Rose District area noise exemption shall not apply to loud or explosive noises created by motor vehicle exhaust; repealing all ordinances to the contrary; and declaring an emergency

City Attorney Trevor Dennis presented this item. This would reclassify muffler background noise in the Rose District as a violation of the noise ordinance to address complaints. This would be enforced like any other noise complaint, via citizen complaint or if officers witness it themselves. Ordinance No. 3919 does not apply to unmodified vehicles that come with loud mufflers.

Police Chief Lance Arnold provided clarification regarding the noise ordinance and that the law would include loud noises created by modified motor vehicle exhaust even in parking lots or on private property, and not just on city streets, allowing enforcement as a noise ordinance and not modified exhaust. The ordinance provides another mechanism for law enforcement and reducing loud noise in the Rose District.

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

Move to preview and set for adoption Item 26-839

The motion carried by the following vote:

Aye: 5 -

David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

B. 26-840

Consideration, discussion, and possible preview of Ordinance No. 3920, an ordinance amending Chapter 23, Traffic, Article I, In General, Section 23-21, Use of mini-bikes, coasters, roller skates, etc., on roadways, of the Broken Arrow Code of Ordinances, prohibiting the operation of motorized scooters on public sidewalks and pedestrian-oriented public spaces within the Rose District; providing exceptions; repealing all ordinances to the contrary; and declaring an emergency

City Attorney Trevor Dennis presented this item. The ordinance is a preview that would prohibit the operation of motorized scooters on public sidewalks, pedestrian walkways, plazas, parklets, public gathering areas, and other pedestrian-oriented public spaces within the Rose District. City code already regulates motorized scooters and restricts their use to streets with a speed limit of 25 miles an hour or less. That will still be allowed. This will keep them off the sidewalks. Councilor Ford indicated that this ordinance is a result of complaints from many businesses in the Rose District.

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

Move to preview and set for adoption Item 26-840

The motion carried by the following vote:

Aye: 5 -

David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

C. 26-901

Consideration, discussion, and possible preview of an ordinance closing a utility easement on property located south of West Florence Street (111th Street) and east of South Aspen Avenue (145th E Avenue), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency (EASE-002260-2025)

Director of Community Development Rocky Henkel presented the item. This preview ordinance is a closure of a utility easement on property located south of Florence Street and east of South Aspen Avenue. Staff recommend a preview of the ordinance and set it for adoption.

MOTION: A motion was made by David Pickel, seconded by Johnnie Parks

Move to accept preview and set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- D. 26-902 **Consideration, discussion, and possible preview of an ordinance closing a sanitary sewer easement on property located south of West Florence Street (111th Street) and east of South Aspen Avenue (145th E Avenue), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency (EASE-002261-2025)**

Community Development Director Rocky Henkel presented this item. This is the closure of a sanitary sewer easement on property located south of West Florence Street and east of South Aspen Avenue. Staff recommend a preview of the ordinance and set it for adoption.

MOTION: A motion was made by Justin Green, seconded by David Pickel

Move to set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- E. 26-903 **Consideration, discussion, and possible preview of an ordinance closing and vacating a utility easement on property located south of West Florence Street (111th Street) and east of South Aspen Avenue (145th E Avenue), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency (EASE-002262-2025)**

Director of Community Development Rocky Henkel presented this item. This is a closure of a 25-foot utility easement on property located south of West Florence Street and east of South Aspen Avenue. Staff recommend a preview of the ordinance and set it for adoption.

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

Move to set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- F. 26-905 **Consideration, discussion, and possible preview of an ordinance closing a water line easement on property located south of West Florence Street (111th Street) and east of South Aspen Avenue (145th E Avenue), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency (EASE-002263-2025)**

Director of Community Development Rocky Henkel presented this item. This is a closure of a 20-foot water line easement on property located south of West Florence Street and east of South Aspen Avenue. Staff recommend a preview of the ordinance and set it for adoption.

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

Move to set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- G. 26-904 **Consideration, discussion, and possible preview of Ordinance No. 3924, an Ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving PUD-002514-2025 (Planned Unit Development) and BAZ-002575-2025 (Rezoning), Pediatrics Plus, located just south of Washington St (91st Street) and just east of Aspen Ave(145th E Avenue), granting CG & AG zoning classifications upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

Director of Community Development, Rocky Henkel, presented this item. This is a preview ordinance amending the broken arrow zoning ordinance BAZ 2575-2025 proposed to change the zoning designation for a pediatric therapy farm on 14 1/2 acres of land from RS and RM to CG and AG. More specifically, about eight acres will be rezoned to CG to develop the pediatric therapy center, while the remaining 6.57 acres will be rezoned

to AG The split zoning will allow for the rear portion of the property to be used for the farm aspect of the development. This zoning ordinance was approved by Broken Arrow City Council on February 3, 2026. Staff recommend a preview of the ordinance number 3924 and set it for adoption.

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

Move to set for adoption

The motion carried by the following vote:

Aye: 5 -

David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

H. 26-906

Consideration, discussion, and possible preview of Ordinance No. 3925, an Ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving PUD-002490-2025 (Planned Unit Development) and BAZ-002489-2025 (Rezoning), American Storage of BA, 24.9 acres, located west of the Creek Turnpike, east of North 37th Street (South 209th East Avenue), and north of East Houston Street (East 81st Street) granting CH & IL zoning classifications upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

This item was presented by Rocky Henkel, Director of Community Development. BAZ 2489-2025 is located west of the Creek Turnpike and east of North 37th Street and north of East Houston Street. This rezoning changed the designation for retail office warehouse and storage development to the north and mini storage development to the south on almost 25 acres of land from AG to CH and IL. This rezoning request was approved by City Council on January 6th, 2026. Staff recommend a preview of ordinance number 3925 and set it for adoption.

MOTION: A motion was made by Justin Green, seconded by David Pickel

Move to set for adoption

The motion carried by the following vote:

Aye: 5 -

David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

I. 26-910

Consideration, discussion, and possible preview of Ordinance No. 3926, an Ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-002505-2025 (Rezoning), Arrow Forge, 99.52 acres, AG (Agricultural) to IL (Industrial Light), located on the south side of Florence Street (11 1st Street) and one-quarter mile east of Olive Ave (129th E Avenue), granting IL (Industrial Light) zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

This item was presented by Director of Community Development Rocky Henkel. BAZ 2505-2025 is a request to change the zoning designation on 99 1/2 acres from AG to IL. The property is located on the south side of the street floor and one quarter of a mile east of Olive Avenue. The final platform Arrow Forge was recorded in Tulsa County on December 2nd, 2025. The applicant is requesting this change of the zoning designation for the purpose of the development of an innovation district. Staff recommend a preview of ordinance number 3926 and set it for adoption.

MOTION: A motion was made by David Pickel, seconded by Johnnie Parks

Move to set for adoption Ordinance No. 3926

The motion carried by the following vote:

Aye: 5 -

David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

J. 26-911

Consideration, discussion, and possible preview of Ordinance No. 3927, an Ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-002238-2025 (Rezoning) and SP-002459-2025 (Specific Use Permit), Harvest Church, 6.45 acres, A-1 (Agricultural) to CG (Commercial General), located at the northwest corner of New Orleans Street (101st Street) and 9th Street (Lynn Lane Road), granting CG (Commercial General) zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

This item was presented by Director of Community Development Rocky Henkel. BAZ 2238-2025 is a request to rezone approximately six and a half acres from A1 to CG for Harvest Church, a proposed commercial development with the future place of assembly planned. This property is located on the northwest corner of New Orleans and 9th Street. City Council approved the rezoning request on August 4, 2025. Staff recommend a preview of ordinance number 3927 and set it for adoption.

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

Move to preview the ordinance and set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- K. 26-933** **Consideration, discussion, and possible preview of Ordinance No. 3930 amending the zoning ordinance for the City of Broken Arrow, Oklahoma, approving BAZ-002425-2025 and PUD-2428-2025 (Planned Unit Development), located at the northeast corner of the intersection of New Orleans Street (101st Street) and 9th Street (177th E Avenue/Lynn Lane), granting CG (Commercial General) zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

This item was presented by Director of Community Development Rocky Henkel. BAZ 2425-2025 is a request to rezone almost 11 acres from AG to CG. This is for Tower Corner, which is located on the northwest corner of 101st and Lynn Lane. This development includes a municipal water tower, and it is anticipated to have commercial uses along New Orleans Street. City Council approved this rezoning request on November 4, 2025. Staff recommend a preview of the ordinance and set it for adoption.

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

Move to preview and set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- L. 26-934** **Consideration, discussion, and possible preview of Ordinance No. 3931 amending the zoning ordinance for the City of Broken Arrow, Oklahoma, approving BAZ-002491-2025, located at the southwest corner of the intersection of Florence Street (111th Street) and Aspen Avenue (145th E Avenue), granting ON (Office Neighborhood) zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

This item was presented by Director of Community Development Rocky Henkel BAZ 2491-2025 is a request to rezone eight acres from AG to ON. The property is located on the southwest corner of the intersection of Florence and Aspen. This property is currently unplatted. The development will include a place of assembly for the Church of Jesus Christ of Latter-day Saints. Staff recommend a preview of the ordinance and set it for adoption.

MOTION: A motion was made by Lisa Ford, seconded by David Pickel

Move to set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- M. 26-935** **Consideration, discussion, and possible preview of Ordinance 3932 amending the zoning ordinance for the City of Broken Arrow, Oklahoma, approving BAZ-002200-2025, located just north and east of the northeast corner of the intersection of Washington Street (91s Street) and 9th Street (177th E Avenue/Lynn Lane), granting RS-4 (Single-Family Residential) zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

This item was presented by Director of Community Development Rocky Henkel. BAZ 2200-2025 is a request to rezone approximately 23 acres from A1 to RS4 for Lynn Corner. This property is located just north and east of the northwest corner of the intersection of Washington and 9th Street. The property is currently unplatted. This development will include approximately 79 proposed lots. City Council will approve the rezoning request on July 14, 2025.

MOTION: A motion was made by David Pickel, seconded by Justin Green

Move to set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- N. 26-936** **Consideration, discussion, and possible preview of Ordinance 3933 amending the zoning ordinance for the City of Broken Arrow, Oklahoma, approving BAZ-002202-2025, located at the northeast corner of the intersection of Washington Street (91st Street) and 9th Street (177th E Avenue/Lynn Lane), granting CN (Commercial Neighborhood) zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

Director of Community Development Rocky Henkel presented this item. BAZ 2202-2025 is a request to rezone approximately five acres from A1 to CN for Lynn Corner. This

property is located at the northeast corner of the intersection of Washington and 9th Street. The property is currently unplatted. The development will include commercial uses. City Council approved this rezoning request on July 14, 2025.

MOTION: A motion was made by Johnnie Parks, seconded by David Pickel

Move to set for adoption

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

11. Ordinances

- A. 26-890 **Consideration, discussion, and possible adoption of Ordinance No. 3921 closing a waterline easement on property located north of West Florence Street (111th Street), east Broken Arrow City Council Meeting Agenda Page 1 6/15/2026 of South Azalea Avenue (Mingo Road), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency (EASE-002530-2025)**

Director of Community Development Rocky Henkel presented this item. This is the closure of a waterline easement on property north of West Foreign Street and east of South Azalea or Mingo Road.

MOTION: A motion was made by Lisa Ford, seconded by David Pickel

Move to adopt item 26-890

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- B. 26-891 **Consideration, discussion and possible approval of an emergency measure for Ordinance No. 3921; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist**

Director of Community Development Rocky Henkel presented this item. This is the emergency clause.

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

Move to accept the emergency clause.

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- C. 26-892 **Consideration, discussion, and possible adoption of Ordinance No. 3922 closing a detention easement on property located north of Houston Street (81st Street), east of 9th Street (Lynn Lane), Tulsa County, State of Oklahoma; repealing all ordinances to the contrary; and declaring an emergency (EASE-002736-2026)**

Director of Community Development, Rocky Henkel presented this item. This is a closure of a detention easement on a property located north of Houston Street, east of 9th Street.

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

Move to approve Item 26-892

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- D. 26-893 **Consideration, discussion and possible approval of an emergency measure for Ordinance No. 3922; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist**

Director of Community Development Rocky Henkel presented this item. This is the emergency clause.

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

Move to approve emergency clause

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- E. 26-896 **Consideration, discussion, and possible adoption of Ordinance No. 3923 vacating a ten-foot-wide restricted waterline easement on property located north of Houston Street (81st Street), east of 9th Street (Lynn Lane), Tulsa County, State of Oklahoma, repealing all ordinances to the contrary; and declaring an emergency (EASE-002737-2026)**

Director of Community Development Rocky Henkel presented this item. This is a request to

vacate a 10-foot-wide waterline easement on property located north of Houston Street and east of 9th Street.

MOTION: A motion was made by David Pickel, seconded by Justin Green

Move to adopt

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- F. 26-897 **Consideration, discussion and possible approval of an emergency measure for Ordinance No. 3923; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist**

Director of Community Development Rocky Henkel presented this item. This is an emergency clause.

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

Move to approve the emergency clause

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- G. 26-908 **Consideration, discussion and possible adoption of Ordinance No. 3918, an ordinance amending Chapter 7, Business Regulations And Licenses, Article I - In General, of the City of Broken Arrow Code of Ordinances; specifically amending Section 7.3, Door-to-door peddler solicitation; restrictions, registration, penalties, to add the No-Knock List, License Revocation, and License Reinstatement Fee; repealing all ordinances to the contrary; and declaring an emergency**

City Attorney Trevor Dennis presented this item. This ordinance creates a no-knock list that is similar to a no-call list.

MOTION: A motion was made by Lisa Ford, seconded by David Pickel

Move to approve adoption of ordinance

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- H. 26-909 **Consideration, discussion and possible approval of an emergency measure for Ordinance No. 3918; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist**

This is an emergency clause.

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

Move to approve the emergency clause

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- I. 26-937 **Consideration, discussion and possible adoption of Ordinance No. 3929, an ordinance amending Appendix A - Zoning Ordinance, Chapter 6 - Code Administration, by adding a new Division 6-4, Data Center Moratorium; declaring a temporary moratorium on the acceptance, processing, and issuance of rezoning requests, specific use permits, conditional use permits, site plan reviews, building permits, and other development approvals for data center uses within the corporate limits of the City of Broken Arrow, Oklahoma; providing a definition of "Data Center"; providing exceptions, grandfathering provisions, and a hardship relief mechanism; providing for appeals; establishing the duration and automatic sunset of the moratorium; providing for severability; repealing all ordinances or parts of ordinances in conflict herewith; providing for an effective date and expiration date; and declaring an emergency**

City Attorney Trevor Dennis spoke about this item. The City of Broken Arrow's current zoning ordinance does not contain a definition or use classification or any performance standards for data centers. These facilities have unique and significant impacts, including very high electrical consumption, substantial water demand for cooling, noise generation, heat truck traffic, and increased demands on public infrastructure. Because of all these reasons, what this ordinance does is declare a temporary moratorium on the acceptance, processing, and approval of rezonings specific conditional use permits, site plans, building permits, and other development approval for data center uses. The ordinance also defines what data centers are. It also provides reasonable exemptions and grandfathering provisions for certain vested projects that are already in the works. And then there's also an appeal process for those who might want to go forward, even in the face of the moratorium that would allow them to go to the Board of Adjustment.

But the moratorium has an automatic sunset on December 31, 2026, or upon adoption of permanent data center regulations. The whole purpose of the moratorium is to give staff time and the breathing room to develop the regulations that would be necessary to find places that make sense or regulations that make sense for data centers. It would also allow for any studies that need to be conducted, any fact findings, any visits to other communities, anything that would be determined that would be needed for information gathering to determine potential regulations of data center uses.

City Manager Michael Spurgeon reviewed with council the benefits of Ordinance No. 3929 establishing a moratorium for data centers, including providing the time for due diligence, fact-finding, and long-term impacts studies.

LeeAnn Jackson, spoke in opposition to AI data centers, and in support of the moratorium.

Mike Sanders, P.E., provided information to council and offered to answer questions on AI data centers as an AI data center engineer.

MOTION: A motion was made by Lisa Ford, seconded by David Pickel

Move to accept adoption of Ordinance No. 3929

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

J. 26-938 **Consideration, discussion and possible approval of an emergency measure for Ordinance No. 3929; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist**

This is an emergency clause.

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

Move to approve the emergency clause

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

12. Remarks and Inquiries by Governing Body Members

Mayor Wimpee reminded attendees of *Tuesdays in the Park* the next day at 7 p.m. The day after this meeting everyone will be touring the amphitheater. There was a reminder of road closures the day after this meeting due to the block party. There was also a reminder to go and vote.

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

At approximately 8:24 p.m. Mayor Wimpee noted there were Executive Session items and called for a recess for BAMA and BAEDA.

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

Move for a recess for BAMA and BAEDA

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

At approximately 8:48 p.m., the room was cleared for Executive Session.

MOTION: A motion was made by Debra Wimpee, seconded by Justin Green

Move to clear the room for Executive Session

The motion carried by the following vote:

Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

At approximately 9:20 p.m. City Council retired into Executive Session.

14. Executive Session

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 Johnnie Parks, seconded by Justin Green

Move to find executive session was necessary to process the claims and litigation involving the tort claim of Tina Berryhill and 3226 South Elm Place, LLC v. City of Broken Arrow.

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

- 1. A pending investigation and claim, including potential resolution, of a matter involving the tort claim of Tina Berryhill, Tort Claim No. TRT1825.2026, and taking appropriate action in open session, if any, under 25 O.S. §307(B)(4);

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green
Move to authorize the City Attorney to settle the tort claim of Tina Berryhill in the amount recommended by the City Attorney and authorize the City Attorney to execute all necessary settlement documents for settlement.

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

- 2. Litigation involving 3226 South Elm Place, LLC v. The City of Broken Arrow, Case No. CJ-2022-03344, including possible authorization to mediate and settle this lawsuit 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 discuss this litigation, and disclosure will seriously impair the public body's ability to litigate this matter. After conclusion of the confidential portion of executive session, the Council will reconvene in open meeting for appropriate action, if any.

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green
Move to authorize the City Attorney to attend mediation with settlement authority up to the amount requested by the City Attorney in the matter of 3226 South Elm Place, LLC v. City of Broken Arrow.

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

City Council returned to open session at approximately 9:20 p.m.

15. Adjournment

The meeting was adjourned at 9:21 p.m.

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford
Move to Adjourn

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

Mayor

City Clerk