



City of Broken Arrow

Minutes

City Council Meeting

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

City Hall
220 S 1st Street
Broken Arrow OK
74012

Tuesday, August 19, 2025

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

Pastor Chauncey Fourte 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 Vice Mayor Johnnie Parks.

5. Consideration of Consent Agenda

- A. 25-1119 Acknowledgement of out-of-state travel by City Council members
- B. 25-21 Approval of the City Council Meeting Minutes of August 04, 2025
- C. 25-1202 Approval of the City Council Work Session Minutes of August 12, 2025
- D. 25-1161 Acceptance of Planning Commission meeting minutes of July 10, 2025
- E. 25-1184 Approval of Drainage Advisory Committee meeting minutes of April 28, 2025
- F. 25-1208 Approval of and authorization to execute Budget Amendment Number 1 for Fiscal Year 2026
- G. 25-1206 Approval of and authorization to execute a 5-year contract with Brinc, a sole source provider, for the Lemur Safeguard Program for the Police Department
- H. 25-1149 Approval of and authorization to execute Change Order No. 2 with Gober Construction LLC for the Concrete Panel Replacement Turtle Creek Phase 2 (ST23030)
- I. 25-1141 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Hall Estill, Attorneys at Law, for providing counsel and legal advice regarding Environmental law
- J. 25-961 Approval of and authorization to execute Change Order No. 2 with Scissor Tail Construction LLC for the Broken Arrow Public Safety Complex Fire Department Annex Building Project (191711)
- K. 25-1109 Approval of and authorization to execute a First Amendment for a 5-year extension on a Lease Agreement at Central Park with T Mobile USA Tower LLC
- L. 25-1127 Approval of and authorization to execute an Addendum to the Zero Card Service Fee in with the Zero Card, effective October 1, 2025
- M. 25-1129 Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of \$50,000 or less
- N. 25-1142 Approval of and authorization to pay the Brite quote of \$66,695.40 for the annual Getac body-worn camera cloud storage and maintenance fees per our multi-year body-worn camera project
- O. 25-1204 Approval of and authorization to execute the purchase of mobile communication radios for the police department from L3 Harris Technologies Inc
- P. 25-1145 Approval of and authorization to fund the fourth year of CentralSquare's Public Safety Pro Suite renewal order
- Q. 25-1181 Approval of and authorization to purchase grapplers from Stock Enterprises for the new Police Department Chevy Tahoes and Ford F150 Responders
- R. 25-1160 Approval of and authorization to purchase one (1) Ford F 350 Extended Cab with 7 Yard Curbtender Body from Vance Country Ford pursuant to the Oklahoma State purchasing contract SW035 for Parks Department

- S. 25-1163 Approval of and authorization to purchase one (1) Ford F 250 Crew Cab 4x4 with Short Bed from Vance Country Ford pursuant to the Oklahoma State purchasing contract SW035 for Parks Department
- T. 25-1162 Approval of and authorization to purchase one (1) Ford F 350 Regular Cab with Knapheide 9ft Drop Side Dump Body from Vance Country Ford pursuant to the Oklahoma State purchasing contract SW035 for Parks Department
- U. 25-1203 Approval of and authorization to purchase one (1) Ford T350 Transit Passenger Van from Vance Country Ford pursuant to the Oklahoma State purchasing contract SW035 for Parks Department
- V. 25-1165 Approval of and authorization to purchase one (1) 2025 F 550 Regular Cab 4x4 with Versalift VST47MHI insulated articulating telescopic aerial device from Versalift, a Time Manufacturing Company, pursuant to Sourcewell Contract 110421 TIM
- W. 25-1185 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond funds for construction to mitigate erosion and re-establish the ditch along West Freeport Street
- X. 25-1187 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond funds to mitigate erosion and protect utilities in the Waterford Park Subdivision
- Y. 25-1188 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond funds to design drainage improvements in the Silvertree subdivision
- Z. 25-1189 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond funds for drainage improvements adjacent to the Millicent Pond II Subdivision
- AA. 25-1190 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond funds for survey and construction funds for drainage improvements along the Indian Springs Golf Course and in the Indian Springs 2nd Addition subdivision
- AB. 25-1197 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) bond funds for low water crossing improvements along Broken Arrow Creek with construction contingent upon obtaining the City obtaining ownership of the private road
- AC. 25-1146 Approval of and authorization to execute Resolution No. 1688, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 33.0, consisting of 3,387 square feet of permanent Right of Way and acceptance of a Temporary Construction Easement for Parcel 33.A consisting of 1,446 square feet of temporary construction easement, generally located east of 9th Street and south of East Del Mar Place in the Northwest Quarter of Section 24, Township 18 North, Range 14 East in Broken Arrow, Oklahoma, Tulsa County, Oklahoma, from Armory, LLC, an Oklahoma Limited Liability Company, and authorization of payment in the amount of \$9,190.00 for the 9th Street widening from New Orleans Street to Washington Street, Parcel 33.0 (Project No. ST23280)
- AD. 25-1205 Approval of and authorization to execute Resolution No. 1689, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 4.0, consisting of 17,861 square feet of Fee Simple permanent Right of Way located at Southeast corner of 9th and New Orleans in Broken Arrow, Oklahoma, in the Northwest Quarter of Section 25, Township 18 North, Range 14 East, Tulsa County, Oklahoma, from Gerald and Julia Bowman, the owners, and authorization of payment in the amount of \$80,720.00 for the 9th Street widening from New Orleans Street to Washington Street, Parcel 4.0 (Project No. ST23280)
- AE. 25-1199 Approval of and authorization to execute Resolution No. 1690, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 3.0, consisting of 1,200 square feet of permanent Right of Way located at 10203 South Lynn Lane Road in Broken Arrow, Oklahoma, in the Northwest Quarter of Section 25, Township 18 North, Range 14 East, Tulsa County, Oklahoma, from Mary McCurley, formerly known as Mary Lee Plunk, and authorization of payment in the amount of \$41,000.00 for the 9th Street widening from New Orleans Street to Washington Street, Parcel 3.0 (Project No. ST23280)
- AF. 25-1200 Approval of and authorization to execute Resolution No. 1691, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 1.0, consisting of 25,207.38 square feet of permanent Right of Way, generally located on the southeast corner of the intersection of South 23rd Street and East Houston Street in Broken Arrow, Oklahoma, in the Northwest Quarter of Section 18, Township 18 North, Range 15 East, Wagoner County, Oklahoma, from Mary H. Couch, Sole Trustee of the Don C. and Mary H. Couch Revocable Trust, dated the 28th day of January, 2019, and authorization of payment in the amount of \$80,000.00 for the Houston Street Improvements from 9th Street to Old Hwy 51, Parcel 1.0 (Project No. ST1926)
- AG. 25-1211 Approval of and authorization to execute Resolution No. 1692 a Resolution authorizing acceptance of a Deeds of Distribution for Parcel 4.0, which consists of 25,529 square feet of permanent Right of Way, generally located at the northwest corner of the intersection of 9th Street and Washington Street in Broken Arrow, Oklahoma, in the Southwest Quarter of Section 14, Township 18 North, Range 14 East, Tulsa County, Oklahoma, from Vicki Rae Fulps Barnett a/k/a Vicki Rae Barnett, Personal Representative of the estate of Paul F. Fulps a.k.a. Paul Fleetwood Fulps, deceased, and from James Steven

Fulps, Personal Representative of the Estates of J. W. Fulps and L.A. Fulps a.k.a. Wanda Lea Fulps, both deceased, and authorization of payment in the amount of \$153,180.00 for the 9th Street widening from Houston Street to Washington Street, Parcel 4.0 (Project No. ST2027)

- AH. 25-1198 Acceptance of a Drainage Easement for Parcel 23. B, consisting of 1,325 square feet of permanent Drainage Easement and acceptance of Temporary Construction Easements for Parcels 23.A and 24. A, consisting of 178 square feet and 851 square feet, respectively, on property generally located west of South Lynn Lane Road and north of East Fulton Street in Broken Arrow, Oklahoma, in the Northeast Quarter of Section 23, Township 18 North, Range 14 East, Tulsa County, Oklahoma, from Armory, LLC, an Oklahoma limited liability company, and authorization of payment in the amount of \$1,850.00 for the 9th Street Roadway Improvements New Orleans Street to Washington Street, Parcels 23 and 24. (Project No. ST23280)
- AI. 25-1147 Acceptance of a Utility Easement from Eagle I Investments, LLC, a Colorado limited liability company, as nominee for LRL Christian Charitable Trust No. 1, a Colorado trust, the owner, on property generally located at the northwest corner of the intersection of East Washington Street and North 23rd Street in Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 13, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 40.0 is for the County Line Trunk Sewer Phase IIB Sanitary Sewer Improvements (Project No. 2154250)
- AJ. 25-1174 Acceptance of a Utility Easement from Christopher R Byrne, on property located one quarter mile north of Kenosha Street (71st Street), one quarter mile west of 9th Street (Lynn Lane Road), Tulsa County, State of Oklahoma, (Section 02, T18N, R14E), (EASE 002324 2025)
- AK. 25-1175 Acceptance of a Utility Easement from Evergreen Baptist Church by Jerry Voris, on property located on Florence Street (111st Street), three-quarters of miles west of 113th East Avenue (Garnett Road), Tulsa County, State of Oklahoma, (Section 30, T18N, R14E), (EASE 002121 2025)
- AL. 25-1176 Acceptance of a Waterline Easement from Evergreen Baptist Church by Jerry Voris on property located on Florence Street (111th Street) and three-quarters miles west of 113th East Avenue (Garnett Road) (Section 30, T18N, R14E) (EASE 002127 2025)
- AM. 25-1177 Ratification of the Claims List Check Register Dated August 12, 2025

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

Move to Approve the Consent Agenda

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. 25-1154 Presentation of the results of the South Broken Arrow Library Micro Survey

Aaron McColloch, Director of Communications, presented Item 25-1154, the results of the South Broken Arrow Library project survey conducted July 28–August 18. The Tulsa City-County Library plans to double the size of the current New Orleans and Aspen branch, with features such as meeting rooms, classrooms, a tech hub, a children's amphitheater, outdoor reading areas, and a drive-up window, at an estimated cost of \$12 million. With \$6.65 million already raised, a \$5.3 million gap remains, and discussion is underway about including city funding in the 2026 general obligation bond.

The survey drew a record 4,212 responses. Ninety percent of respondents favored some level of city contribution, with 58% supporting the maximum \$5 million option. Only 10% opposed any contribution. In open-ended feedback, supporters cited Oklahoma's education ranking, the community value of modern libraries, the inadequacy of the current facility, and the importance of promoting reading for children. Opponents argued that online resources reduce the need for physical libraries, the library already receives ad valorem funding, city dollars could serve other priorities, some amenities seemed unnecessary, and Broken Arrow already has a second library.

Mr. McColloch emphasized the strong public engagement and noted he is still reviewing the thousands of written comments in more detail.

Mayor Debra Wimpee and Council reflected positively on the South Broken Arrow Library survey results. The Mayor noted that since the library system continues to pursue private donations, the city's potential contribution could be less than the current request by the time the 2026 bond vote occurs. Mayor Wimpee emphasized the strong community support for the library system, calling the response exciting. Mayor Wimpee, recalling a recent visit, described the South Library as very small and undersized for community needs.

When asked about survey criticisms, Mr. McColloch said the most common concerns centered

on the amphitheater and drive-up window features. Councilor Pickel added that many residents she spoke with expressed enthusiasm for a new library, seeing a shift back toward reading physical books and recognizing the facility's role in enhancing quality of life in Broken Arrow. The discussion closed with thanks for the report and recognition of the community's strong engagement.

B. 25-274 Update on the 2026 General Obligation Bond Package

City Manager Michael Spurgeon presented Item 25-274, an update on the upcoming public forums for the 2026 general obligation bond. Three hearings are scheduled for August 28, September 3, and September 25 at 6:30 p.m. in different community locations. Each will begin with a short presentation before opening into a forum-style format, where residents can visit stations for each proposition, including the potential city partnership with the South Broken Arrow Library.

The strong response to the recent library survey—the highest ever, even surpassing last year's overall city survey—was highlighted as proof of strong community engagement. These forums mark the close of the public comment phase, after which the council will narrow down projects to fit within available funding while ensuring the bond package maintains a no-tax-rate-increase commitment across all seven propositions. Council members have also been producing videos to promote the forums, which have been well-received.

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)

Attorney Ryan Fulda, representing Matt and Jennifer Sellers and their children, addressed the council regarding a severe sewer backup at the Sellers' Central Park Estates home about a year ago. The incident caused roughly \$45,000 in damages, displacing the family for six months. Their insurance only covered \$12,500 through a rider, leaving the Sellers responsible for the majority of the costs.

Mr. Fulda explained that the family filed tort claims with the city, but no response has been received. By law, if unresolved within the next month, their next step will be to file suit. He emphasized that resolving the matter now would avoid higher attorney's fees and litigation expenses, and noted the Sellers wished to personally share how the ordeal had impacted their lives before he concluded with final remarks.

Matt Sellers shared the personal impact of the sewer backup, explaining that it occurred at the worst possible time, while his wife Jennifer was pregnant. The family was displaced for months, and the stress contributed to Jennifer experiencing blood pressure spikes that required two hospital visits. Doctors feared preeclampsia, leading to their son Graham being induced three weeks early. Mr. Sellers noted he managed to finish enough repairs for the family to move back home just two days before Graham's birth, avoiding bringing a newborn into his parents' house. He described the ordeal as a significant stressor and hardship on his family, and thanked the council for their time.

Jennifer Sellers described the hardships her family faced after the sewer backup forced them to live with her husband's parents. She expressed gratitude for the support they received, which eased the financial and emotional strain, but noted the disruption was still significant. Mr. Sellers had to put his CPA studies on hold, delaying career opportunities. At the same time, their daughter Parker struggled emotionally, often saying her house was broken and missing her toys and father, who was busy repairing the home. The family had only moved back two days before their son's birth, making the newborn stage even more challenging as they were still unpacking and settling in. Ms. Sellers emphasized both the challenges and the resilience their family showed, thanking the council for listening.

Attorney Fulda concluded the Sellers' presentation by stressing the significant financial and emotional toll the sewer backup caused. He clarified that neither he nor his clients intended to be adversarial toward the council, but emphasized the real-life disruption they endured.

Mr. Fulda displayed photos showing the extent of sewage damage throughout the Sellers' home, including contaminated areas and demolition work. He noted that a city crew member had identified a root ball in the city's main line as the cause, though he acknowledged the town may not accept that liability position. He also referenced comparable cases that had gone to settlement or verdict to illustrate potential valuation if litigation occurs.

His central request was for the city to consider an early resolution before litigation escalates costs for both sides. He explained the Sellers are not demanding an inflated settlement but want to be made whole, and believe this stage offers the best opportunity for a fair and efficient resolution.

9. General Council Business

A. 25-1186 **Consideration, discussion, and possible acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond funds to replace a retaining wall along Liberty Trail**

Charlie Bright, Director of Engineering and Construction, presented Item 25-1186, a Drainage Advisory Committee recommendation to use Proposition 6 funds to rebuild a failed retaining wall along the city trail between Elm and Aspen. The trail section, located on OTA (Oklahoma Turnpike Authority) property, has been closed due to the wall's structural failure, which he attributed to drainage runoff from the turnpike and the absence or failure of the geogrid reinforcement that was supposed to give the wall strength.

The wall stretches 800–1,000 feet and is collapsing in several spots, with risks of further failure. Bright emphasized this is not a simple repair but a complete rebuild project to eliminate liability concerns and restore safe trail access. His team is handling the design work in-house, with Assistant City Manager Kenny Schwab stamping the plans as engineer of record.

If funding is approved, the project will move to bid this winter, with construction scheduled for winter or early spring, aiming to reopen the trail by next spring.

Councilors clarified that the failed retaining wall lies near the westbound Elm Place on-ramp to the turnpike, noting traffic concerns in addition to trail closure issues. They confirmed the Drainage Advisory Committee strongly supported the project. Mr. Bright explained that although the trail and wall are city assets, they sit on OTA property, which complicates coordination. To minimize impact, his team is designing a cantilever wall so all work and structural support shift toward the trail side, avoiding encroachment near the turnpike, where OTA is unlikely to allow work.

The estimated \$500,000 construction cost is higher than typical due to the site's difficult access, though actual work may be closer to \$300,000. Any unspent Proposition 6 funds would return to the program. Councilors raised questions about why the original wall lacked geogrid reinforcement. Mr. Bright said it was designed with geogrid but likely never installed—possibly due to OTA restrictions—and emphasized today's construction oversight would prevent a repeat.

Concerns were also raised about ensuring safety during construction, particularly for bicyclists who continue to bypass closure barricades. Mr. Bright noted that a contractor would be required to secure the site with fencing, while the city will increase public education about the closure. The wall, built around 2003, has lasted 20–21 years; while not ideal for permanent infrastructure, Mr. Bright and Mr. Schwab considered that a reasonable lifespan for a VersaLock-style wall without proper reinforcement.

MOTION: A motion was made by Johnnie Parks, seconded by David Pickel
Move to Approve Item 25- 1186, acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond funds to replace a retaining wall along Liberty Trail

The motion carried by the following vote:

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

10. Preview Ordinances - NONE

11. Ordinances

A. 25-1081 **Consideration, discussion, and possible adoption of Ordinance No. 3885, amending Chapter 2, Administration, Article IX, Employee Rules and Regulations, Sec. 2 146(3), Employment Requirements, of the Broken Arrow Code of Ordinances; providing for severability; repealing conflicting ordinances; and establishing an effective date; and declaring an emergency**

Kelly Cox, Human Resources Director, presented Item 25-1081. The proposed employment ordinance update keeps the ban on hiring individuals with felony convictions, but adjusts the rule on misdemeanors involving moral turpitude. Instead of an automatic disqualification, the new language limits it to misdemeanors within the past five years that demonstrate unfitness for city employment. This allows for case-by-case consideration depending on the position. For example, a DUI within a couple of years might not disqualify someone from an office role but would prevent them from being hired as a solid waste driver, since that job requires driving. The recommendation was for council approval.

MOTION: A motion was made by Justin Green, seconded by Lisa Ford
Move to Approve adoption of Ordinance No. 3885

- The motion carried by the following vote:
Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee
- B. 25-1082** **Consideration, discussion, and possible approval of an emergency measure for Ordinance No. 3885; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist**
- MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford
Move to Approve an emergency measure for Ordinance No. 3885
The motion carried by the following vote:
Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee
- C. 25-1167** **Consideration, discussion, and possible adoption of Ordinance No. 3891, an ordinance amending Chapter 16, Offenses Miscellaneous, Article I, In General, amending Section 16 33, Failure to pay cite and release, of the Broken Arrow Code; repealing all ordinances to the contrary and declaring an emergency**
- Trevor Dennis, City Attorney, presented Item 25-1167. The ordinance under consideration is a housekeeping update to clarify the city's court cost compliance rules. It ensures that before someone can be arrested or jailed for failing to pay fines or court costs from a prior offense, they must first be given the chance to request a cost hearing to assess their ability to pay. Although those requirements were established in 2023, the update is needed so the city's GeoSafe citation system can properly distinguish between "failure to pay" citations, "cite and release" cases, and cost-related arrest warrants. The revision aligns the language in Section 16-33 to maintain clear separation between these categories.
- MOTION: A motion was made by Lisa Ford, seconded by David Pickel
Move to Approve adoption of Ordinance No. 3891
The motion carried by the following vote:
Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee
- D. 25-1168** **Consideration, discussion, and possible approval of an emergency measure for Ordinance No. 3891; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist**
- MOTION: A motion was made by Justin Green, seconded by Johnnie Parks
Move to Approve an emergency measure for Ordinance No. 3891
The motion carried by the following vote:
Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee
- E. 25-1169** **Consideration, discussion, and possible adoption of Ordinance No. 3892, an ordinance amending Chapter 16 Offenses Miscellaneous, Article I In General, by adding Section 16 34, Cost arrest warrant, to the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency**
- Trevor Dennis, City Attorney, presented Item 25-1169, an ordinance update that also applies to individuals arraigned and released on their own recognizance. This update clarifies that failing to appear at a scheduled court hearing constitutes a separate offense from failure to pay fines or costs. The change is primarily an internal housekeeping measure to clearly distinguish and track these two types of violations within the city's system.
- MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford
Move to Approve adoption of Ordinance No. 3892
The motion carried by the following vote:
Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee
- F. 25-1170** **Consideration, discussion, and possible approval of an emergency measure for Ordinance No. 3892; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist**
- MOTION: A motion was made by Lisa Ford, seconded by Justin Green
Move to Approve an emergency measure for Ordinance No. 3892
The motion carried by the following vote:
Aye: 5 - David Pickel, Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee
- G. 25-1182** **Consideration, discussion and possible adoption of Ordinance No. 3893, an ordinance amending Chapter 16, Offenses Miscellaneous, Article III, Offenses Against Property, of the Broken Arrow Municipal Code, to include the following sections: Section 16 69, Definitions; Section 16 70, Encampment in a public place or on private property prohibited; Section 16 71, Defenses to unlawful encampment in a public place or on**

private property; Section 16 72, Penalty; Section 16 73, Procedure for enforcement of this article; and Section 16 74, Protection of constitutional rights; and Sections 16 75 16 80; Reserved; and declaring an emergency

Trevor Dennis, City Attorney, presented Item 25-1182, which clarifies two points through an ordinance update. First, camping on city property is prohibited unless the city grants explicit permission. Second, it streamlines enforcement of the trespassing ordinance by shifting the burden to individuals camping on private property to show proof of consent from the property owner or lawful possessor. This change addresses recurring issues where police have had to spend time tracking down absent or unreachable owners of undeveloped or out-of-town properties. The update is intended to make enforcement more efficient while reinforcing existing private property rights.

Police Chief Lance Arnold explained that the ordinance reinforces existing private property rights, especially in cases where absentee owners, developers, or LLCs are challenging to reach. Previously, when complaints arose about people setting up camps on such properties, police could not enforce trespass laws without explicit owner permission, often leaving adjacent property owners without recourse for weeks or months. During that time, issues like trash buildup, biohazards, and safety hazards frequently worsened.

Chief Arnold clarified that the ordinance is not about criminalizing homelessness but instead gives officers authority to act more quickly while still protecting individuals. Before any criminal charges can be applied, officers must first provide notice, an opportunity to leave, and connect individuals with available resources. Compliance upon request prevents arrest, ensuring the ordinance balances property rights, public safety, and compassion.

Mark Smith, CEO of Housing Solutions, spoke on the proposed ordinance from the perspective of homeless services. He introduced Housing Solutions as a five-year-old agency coordinating over 60 organizations—including governments, veteran and healthcare services, outreach teams, and housing programs—focused on ending homelessness in Tulsa County.

Mr. Smith emphasized that homelessness is rising across Oklahoma, including Broken Arrow. The January point-in-time count found 1,449 individuals countywide, up from last year. In Broken Arrow Schools alone, more than 700 students faced housing instability in the 2023–24 school year. He noted Broken Arrow Neighbors fields over 15 calls daily for rent and utility assistance, with just two weeks in August showing over \$17,000 in rental support needs and \$5,000 for utilities. He attributed these pressures largely to a 40% increase in rent over the past five and a half years without equivalent income growth.

While acknowledging no one wants encampments, Mr. Smith stressed many who live in them would prefer stable housing but face limited options. County shelters are beyond capacity, often using hallways and offices for overflow. His concern with the ordinance is that it may displace people without offering alternatives. He urged Broken Arrow to consider a collaborative approach: deploying outreach teams in coordination with the police to engage with encampments, assess needs, and connect people to long-term housing resources. He argued that addressing root causes through housing provides a permanent solution, benefiting residents, neighborhoods, and the city as a whole.

Mayor Debra Wimpee and councilors responded positively to Mr. Smith's comments, emphasizing partnership opportunities. Mayor Wimpee welcomed collaboration with Housing Solutions, while it was noted that the ordinance already includes a requirement to provide resources and support before any enforcement action.

Councilors acknowledged the complexity of homelessness. Some individuals cannot help their circumstances, while others choose the lifestyle even when housing is available. Councilor Green recounted assisting a man into an apartment and a job, only for him to return to living under a bridge within weeks, saying it was easier. It was reiterated that the ordinance isn't about arresting people but about protecting private property while connecting individuals with resources. Mayor Wimpee agreed, underscoring the goal of compassion combined with enforcement, and clarified that the ordinance is essentially refining and clarifying existing city codes.

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

Move to Approve adoption of Ordinance No. 3893

The motion carried by the following vote:

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

Aye: 5 -

H. 25-1183

Consideration, discussion, and possible approval of an emergency measure for Ordinance No. 3893; it being immediately necessary for the preservation of the public peace, health, safety, or welfare, an emergency is hereby declared to exist

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

Move to Approve an emergency measure for Ordinance No. 3893

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

Councilor Justin Green highlighted the momentum in Broken Arrow, noting the groundbreaking at Hackberry Market, the crane now visible at Events Park, and the upcoming GoBond public meeting. He emphasized that progress is happening across the city and encouraged residents to stay informed through social media and the city website. Councilor Green stressed the importance of citizen engagement, explaining that broad community input leads to better, more well-informed decisions for the future.

13. Remarks and updates by City Manager, including Recognition of Recent Accomplishments by Employees and Elected Officials – NONE

At approximately 7:16 p.m., Mayor Debra Wimpee noted there was an Executive Session and called for a recess for BAMA and BAEDA.

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

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 7:47 p.m., the room was cleared for Executive Session.

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

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 7:51 p.m. City Council entered into Executive Session.

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

Move to enter Executive Session

The motion carried by the following vote:

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

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

Move to find Executive Session was necessary to discuss possible claims and potential litigation under 25 O. S. Section 307(B)(4) and to conduct the annual evaluation of the City Manager as allowed under 25 O.S. Section 307(B)(I)

The motion carried by the following vote:

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

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 Ryan Merrill v. City of Broken Arrow, et al., Eastern District of Oklahoma, Case No. 22 cv, 0007 RAW GJL, under 25 O.S. §307(B)(4);

No Action taken.

2. A pending eminent domain litigation proceeding, asserted by the City of Broken Arrow against J. Michael Ritze et al.; Tulsa County District Court Case No. CJ 2024 2454, and taking appropriate action in open session, including possible authorization to settle the proceeding, 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 matter of City of Broken Arrow v. J. Michael Ritze in the amount recommended by the City Attorney.

The motion carried by the following vote:

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

3. A pending investigation and claim, including potential resolution, of a matter involving the tort claim of the Sellers Family, Tort Claim No. TRT 1705.2025, 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 Lisa Ford

Move to authorize the City Attorney to settle the Sellers' tort claim in the amount recommended by the City Attorney

The motion carried by the following vote:

Aye: 5 -

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

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

No action taken.

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

15. Adjournment

The meeting was adjourned at approximately 9:30 p.m.

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

Move to Adjourn

The motion carried by the following vote:

Aye: 5 -

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

Mayor

City Clerk