



City of Broken Arrow

Minutes City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Tuesday, December 5, 2023

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Pastor Chauncey Forte performed the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Mayor Wimpee led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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

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

Move to approve the Consent Agenda

The motion carried by the following vote:

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

- A. 23-70 Approval of the City Council Meeting Minutes of November 21, 2023
- B. 23-1538 Approval of Drainage Advisory Committee Meeting Minutes of October 30, 2023
- C. 23-1552 Approval of and authorization to execute Budget Amendment Number 15 for Fiscal Year 2024
- D. 23-1513 Notification of Ameritas Dental Plan offering for eligible employees covered under the Collective Bargaining Agreement between the City of Broken Arrow and FOP Lodge No. 170
- E. 23-1510 Approval of and authorization to execute a Cyber Policy with Travelers Casualty and Surety Company of America to be effective January 1, 2024
- F. 23-1551 Approval of and authorization to execute an agreement for Professional Consultant Services with Keithline Engineering Group, PLLC for Residential Streets Asphalt Repair and Resurfacing (Project Numbers ST24160 and ST24170)
- G. 23-1545 Approval of and authorization to execute an agreement for Professional Consultant Services with Marquardt Engineering, PLLC. for Residential Streets Concrete Panel Replacement (Project Number ST2005 ST21100 ST24080)
- H. 23-1550 Approval of and authorization to execute an agreement for Professional Consultant Services with Professional Engineering Consultants, P.A. for Residential Streets Concrete Panel Replacement (Project Number ST24150)
- I. 23-1512 Approval of and authorization to execute an Amendment to Capital Improvements Agreement with Tulsa County Board of Commissioners for the Broken Arrow Elm Place & New Orleans Improvements Project
- J. 23-1541 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
- K. 23-1522 Approval of and authorization to award the lowest responsible bid to Momentum Services LLC, and approve and authorize execution of a Nuisance Abatement - Structural Securing Contract
- L. 23-1501 Award of the most advantageous bid for the purchase of replacement cattery cages from Snyder Manufacturing Company for the Broken Arrow Animal Shelter
- M. 23-1540 Acceptance of the Drainage Advisory Committee's recommendation to expend \$15,000.00 of 2018 the General Obligation Bonds, Proposition 6 funds to survey drainage concerns in the Glen Eagles IV and Glen Eagles Amended Subdivisions and develop preliminary engineering plans (Case No. 23-009)
- N. 23-1515 Approval of and authorization to destroy police fleet unit number 0663 (a 2006 KZ-JAG

- RV trailer, VIN #4EZTS322965095399), a travel trailer acquired by the City of Broken Arrow from the Federal Emergency Management Agency after hurricane Katrina
- O. 23-1554 Approval of PR-000084-2022|PT-001127-2023, conditional final plat, Stone Bluff II at Forest Ridge, 6.07 acres, 16 Lots, PUD-66/R-1, located east of 79th Street (Midway Road/S. 257th E. Avenue), one-half mile south of Kenosha Street (71st Street)
 - P. 23-1484 Acceptance of a Deed of Dedication from Donald Reed, on property located approximately one-third mile north of Washington Street (91st Street), east of 23rd Street (County Line Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E) (EASE-001138-2023)
 - Q. 23-1483 Acceptance of a Utility Easement from Donald Reed, on property located approximately one-third mile north of Washington Street (91st Street), east of 23rd Street (County Line Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E) (EASE-001137-2023)
 - R. 23-1555 Acceptance of a Utility Easement from Rev. Matthew J Gerlach, on a tract of land lying in lot one, block one, St. Anne's Extended City of Broken Arrow, Tulsa County, State of Oklahoma. Case # EASE-001119-2023
 - S. 23-1528 Acceptance of an Overland Drainage Easement from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (ODE)
 - T. 23-1516 Acceptance of a Right-of-Way Dedication from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E)
 - U. 23-1529 Acceptance of a Sidewalk Easement from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (Sidewalk Easement)
 - V. 23-1530 Acceptance of a Sidewalk Easement from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (Sidewalk Easement L)
 - W. 23-1521 Acceptance of a Utility Easement from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (Utility Easement B)
 - X. 23-1523 Acceptance of a Utility Easement from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (Utility Easement C)
 - Y. 23-1524 Acceptance of a Utility Easement from Regent Corner, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (Utility Easement D)
 - Z. 23-1525 Acceptance of a Utility Easement from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (Utility Easement E)
 - AA 23-1526 Acceptance of a Utility Easement from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (Utility Easement F)
 - AB. 23-1527 Acceptance of a Utility Easement from Roland Investments, Ltd, on property located approximately south and west of the southwest corner of Albany Street (61st Street) and Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 03, T18N, R14E) (Utility Easement G)
 - AC 23-1533 Approval of and authorization of Final Acceptance for the public improvements at Artesia Estates at Forest Ridge located at Hartford Street and North 89th Street
 - AD 23-1534 Approval of and authorization of Final Acceptance for the public improvements at Broken Arrow Public Schools Events Center located at 1901 East Albany Street
 - AE. 23-1535 Approval of and authorization of Final Acceptance for the public improvements at Creekside Villas at Forest Ridge located at 7200 East Kenosha Street
 - AF. 23-1536 Approval of and authorization of Final Acceptance for the public improvements at Popshef Addition located at 1550 West Tucson Street
 - AG 23-1537 Approval of and authorization of Final Acceptance for the public improvements at Stonewood Hills Tract A Loop Road located at southwest corner of Elm Place and Albany Street
 - AH 23-1517 Ratification of the Claims List Check Register Dated November 28, 2023

6. Consideration of Items Removed from Consent Agenda

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

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

A. 23-1503 Presentation of post-event update for the 2023 Keep Broken Arrow Beautiful Rose Festival

Economic Development Manager Jennifer Rush indicated Keep Broken Arrow Beautiful and ArtsOK were present and would make a presentation regarding the Rose Festival and the Chalk It Up Festival together. She stated the Rose Festival and Chalk It Up Festival received funding from Broken Arrow in the amount of \$7,500 dollars in grants.

Ms. Jennifer Diel explained ArtsOK was responsible for the chalk artists and the Chalk It Up Festival. She reported 50 chalk artists drew this year which was exciting, and she hoped to expand the festival next year east and west as there was little room to expand north and south. She reported this year there were over 60 vendor artist spaces of whom about one third were Broken Arrow artists, one third were Tulsa artists, and the rest were from all over the State of Oklahoma. She noted it was thanks to the financial support of the City of Broken Arrow that so many artist vendors were able to participate in the Festival. She stated most of the chalk artists were Broken Arrow residents, but there was on artist who came down from Michigan to attend. She reported an art show was organized in partnership with the Rose Festival in the Broken Arrow art gallery with 115 artists represented, 90 percent of whom were not professional artists and pieces were submitted from artists pre-kindergarten up to senior citizens.

Ms. Beverly Forester with the Rose Festival introduced Trish Foster, who was a coach this year. She reported the Rose Festival had grown since its inception in 2014. She thanked the City Council for funding the event, which was a free event for all who attended.

Ms. Trish Foster reported the Rose Festival was a family friendly, free event, extending over a whole weekend. She indicated there was a Rose Show in which anyone could submit roses for judging to earn ribbons and cash prizes. She indicated there was a Welcome Booth; a T-shirt art contest; as well as a Marketplace with vendors, goods, services, and nonprofit organizations. She listed the nonprofit organizations which were represented.

Ms. Forester reported the Rose Festival also hosted a free Kids Zone which grew annually. She stated the Kids Zone hosted a kite event with free kites for children to decorate thanks to the City and three churches who provided support. She noted this year there was a Recycling Booth where recycling information was distributed. She indicated Broken Arrow was being considered as a site for the 2026 American Kite Flyers Association Convention. She stated the flying of the kites this year at the Rose Festival was amazing. She stated the Rose Festival would not be possible without the support of the City of Broken Arrow. She thanked City Council.

Mayor Wimpee asked how much money was raised by the Rose Festival this year.

Ms. Forester stated the amount raised was still being calculated. She noted all the funds raised by the Rose Festival and Chalk It Up Festival were split evenly between Keep Broken Arrow Beautiful and ArtsOK. She stated once calculated she would get the numbers to City Council.

Vice Mayor Gillespie asked what City Council could do to help the 2026 American Kite Flyers Association Convention to Broken Arrow.

Ms. Forester stated she felt the Association was very impressed with Broken Arrow and its kite enthusiasm. She stated she felt Broken Arrow had done everything it could to encourage the Association to hold its convention in the City in 2026.

Mayor Wimpee asked if the City could reach out on behalf of Keep Broken Arrow Beautiful to encourage the Kite Association to come to Broken Arrow.

Ms. Forester responded that Lori Hill sent an application to the Kite Association and the Kite Association was aware the City of Broken Arrow would love to host its convention. She stated the Vice President of the Kite Association was a member of the Keep Broken Arrow Beautiful Committee.

Vice Mayor Gillespie stated she was unable to attend the Chalk It Up Festival but made it back to town in time for the end of the Rose Festival and saw the kites flying and it was very impressive to drive up the Creek Turnpike and see the huge kites flying.

Council Member Justin Green stated he was proud the City of Broken Arrow had so much to offer its citizens. He thanked Keep Broken Arrow Beautiful and ArtsOK for their hard work and dedication.

B. 23-1504 Presentation of post-event update for the ArtsOK 2023 Chalk It Up Festival

This Item was presented in conjunction with the above Item.

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

Mayor Wimpee indicated one Citizen signed up to speak.

Citizen David Oldham stated the last time he came before City Council he learned the protocols for public testimony, and he felt 3 minutes insufficient time to speak. He stated he felt it was unfair the presenter had 15 minutes to present, while those who wished to speak in opposition or support only had 3 minutes, and then the presenter was given the opportunity to rebut. He stated he was concerned the public was being given less opportunity to speak and 3 minutes was not enough time for him and others to get a point across. He asked City Council to consider how the meetings were being conducted and whether the people were being given enough chance to rebut items presented. He stated he knew there were things being unsaid which needed to be said.

9. General Council Business

A. 23-1511 **Consideration, discussion, and possible approval of and authorization to execute a five-year contract with Axon International for the purchase of one-hundred twenty (120) Taser brand conductive electrical weapons (CEWs) and Approve and authorize execution of Fiscal Year (FY) 2024 Budget Amendment Number 16**

City Manager Michael Spurgeon stated he asked for this Item to be placed on the Agenda due to its importance.

Police Chief Brandon Berryhill reported currently the BAPD used a Taser product by Axon. He indicated Captain Steve Smith, the subject matter expert, was present. He noted the current Taser platform was X2, and the next model coming out was X10. He stated he understood there would be a large price increase of 12 percent later this month and because of this increase, if the City were able to secure a five year contract with Taser at this meeting, over the course of those five years the City would save at a minimum \$74,000 dollars which included the 12 percent savings of securing the contract before the price increase. He noted there would be some inherent problems piecemealing this together as there were roughly 120 Tasers in field operations, not counting headquarters, jail, etc., and cross training on two different platforms caused problems. He explained normally the BAPD purchased 35 new Tasers a year, and this contract was basically paying for the Tasers up front to save money over time. He stated the Police Department identified different funding sources from projects which came in under budget, projects which could be delayed, etc. He stated the biggest item in the Budget which could go to the Taser project was the CIP Project for vehicles at \$205,000 dollars. He explained the Police Department secured 18 to 19 vehicles this year between Animal Control, Headquarters Division, and Patrol, and there were no more police vehicles available for purchase, so the remaining \$205,000 dollars could be diverted to the Taser project. He noted through the various funding sources identified, the total available for this project was \$331,000 dollars. He asked Captain Smith to speak regarding the Tasers.

Captain Steve Smith made a Power Point presentation. He reviewed BAPD Taser facts: Tasers were the standard for less lethal option in Law Enforcement; Axon Taser was the sole source vendor for tasers and only option for extended range electric control device; BAPD first deployed tasers in 2004 with the X26 model; BAPD began the switch to the newer X2 model in 2013 and completed the transition in 2018; the BAPD currently fielded 167 units assigned to officers, reserve officers, and the jail facility; deploying tasers with every officers allowed for an intermediate force option with every police response thus reducing liability issues and injury potential. He discussed why the Taser X2 model was being retired noting Taser would no longer manufacture X2 models as of March 2023 and Tasers needed to be replaced every 5 years to ensure proper function. He stated while the X2 models were no longer in production, the parts needed such as batteries and taser cartridges would be supported for the next five years. He discussed the upgrades featured in X10: Taser 10 increased the engagement range from 25 feet to 45 feet; Taser 10 had ten individual probes compared to the two cartridges in Taser 7; the operator could control the placement of each probe with Taser 10 as opposed to the pre-set angles with other models; a smart operating system would automatically energize the best connection from multiple probe deployments; Taser 10 changed targeting laser from red to green for better daylight visibility; Taser 10 replaced electrical warning arcs with an audible warning alarm and pulsing light to facilitate de-escalation; Taser 10 used a rechargeable battery; there were automatic data downloads with recharging dock stations; there was increased water resistance levels over previous models; and the wire spool contained an inside probe which eliminated wire sag, breakage due to suspect action, etc. He stated the BAPD recommended the purchase of 120 Taser 10 units to outfit Operations Division; maintaining operational X2 units in service with non-uniformed areas, reserves, jail staff, etc.; taking advantage of bundle cost savings and making a larger purchase at current pricing; approval of the purchase agreement prior to the 2024 price increase of 12 percent (equal to \$39,000 dollars); and there would also be a buy back credit of \$20,000 dollars and a full up-front purchase discount of \$15,000 dollars. He stated by executing this contract now, the City would avoid the 12 percent cost increase (on December 15, 2023) and likely would avoid increases over the next five years.

Council Member Lisa Ford stated she was in support of this five year contract as it saved money and would enable the Police to use the newer model Taser. She stated she liked the that new Taser increased the distance between the Police and the criminals being tased.

Vice Mayor Gillespie asked when Taser 10 was released.

Captain Smith indicated Taser 10 was rolled out at the beginning of 2023 in some test cities but was recently fully released.

Chief Berryhill stated he did a demo with Taser 10 at a conference earlier this year and was able to see the improvements associated with the Taser 10 over the X2 model.

Captain Smith stated there were many municipalities switching over to the Taser 10, including Tulsa and many other large cities throughout the country.

Council Member Green stated the Taser 10 would be of a great benefit to the Broken Arrow Police Officers. He stated Tasers saved suspects and police officers from injury. He stated there was no comparative product on the market.

Vice Mayor Gillespie asked about the warranty.

Chief Berryhill responded there was a five year warranty on the Tasers. He explained these Tasers were basically minicomputers which every time it was used it downloaded and kept track of the use for auditing purposes. He stated the increase in distance from 25 feet to 45 feet was monumental. He stated the Taser 10 was easier to shoot and more accurate from farther away which would increase safety substantially.

Vice Mayor Gillespie noted she worked as a technology representative for a long time, and she wanted to be sure there was a good warranty and that the company would honor the warranty.

Captain Smith stated the package provided spare Tasers and extra parts to prevent officers from being without a tool to use in case a Taser had to be sent in for repair. He stated Axon also performed frequent software updates and bug fixes. He stated the warranty was for the hardware, if a circuit board went bad or a screen was broken, then the Taser could be sent in, and the part could be replaced.

Chief Berryhill stated switching platforms required everyone to go through training again, and having one platform for patrol was important as training different people to use different systems on the same job at the same time was problematic.

Discussion continued regarding the benefits of the upgrades of the Taser 10.

Captain Smith noted this contract was for the purchase of 120 Taser 10s which covered the Police Officers in uniform, but the BAPD would need to consider an additional purchase in a few years to replace the remaining 50 X2 models being used by those not in uniform.

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

Move to approve and authorize execution of a five year contract with Axon International for the purchase of one hundred twenty (120) Taser brand conductive electrical weapons (CEWs) and approve and authorize execution of Fiscal Year (FY) 2024 Budget Amendment Number 16

The motion carried by the following vote:

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

10. Preview Ordinances

- A. 23-1520 Consideration, discussion, and possible preview of an Ordinance amending Chapter 16, Article II, Offenses against Public Authority, Section adding 16-33 through 16-38 of the Broken Arrow Code of Ordinances requiring permit application for begging or panhandling; Permit application fee; Permit issuance, denial and appeal; Permit expiration and renewal; Permit revocation; and appeal or denial of revocation; repealing all ordinances to the contrary; and declaring an emergency**

City Attorney Trevor Dennis reported the legal department was requested to draft a permitting ordinance for consideration. He explained the ordinance required a permit be acquired by anyone who wished to beg in the City of Broken Arrow. He explained the applicant could go to the Department of Community Development, submit an application with name, address, phone number, next of kin, picture identification or equivalent, and a brief description of the activity the applicant wished to conduct, and the applicant would be required to acknowledge compliance to any related ordinances such as no littering and wearing a high visibility vest. He noted the preview ordinance contained additional provisions including what happened if an application was denied, a 6 month expiration and

renewal provision, the ability for the City to revoke the permit, as well as an appeal and revocation process provision.

Council Member Ford noted she had a lot of constituents reach out regarding this Ordinance. She stated this Ordinance in no way restricted panhandlers; panhandlers would still be able to beg and panhandle in the City, but it would be a way for the City to better identify those truly in need and provide services if the applicant so chose to accept offered services. She stated she saw a post on social media today wondering if City Council, House of Representatives and Senators (politicians) had to file the same type of paperwork when donations were collected. She explained politicians were required to file a quarterly report listing everyone who donated to their campaign, list where those who donated worked, lived, and place of employment; politicians were required to file quarterly ethics report; and if any donated money was spent, the information was required to be reported as well. She explained, yes, City Council, House of Representatives and Senators all had to track donations received and spent quarterly.

Vice Mayor Gillespie stated any time an individual chose to run for a state office, said individual was required to pay a fee of \$125 dollars before running for office.

Mayor Wimpee indicated once elected, politicians were required to take a class.

Council Member Ford stated she felt asking a panhandler to submit a permit application with no fees attached was not unreasonable. She stated in Tulsa recently 10 people were arrested for fraudulently raising money for a child's funeral when there was no child or funeral, and this Ordinance would help prevent such fraudulent panhandling.

Vice Mayor Gillespie stated she received more calls about panhandling than any other issue this year. She stated residents did not like that the City allowed panhandlers in the medians. She noted a fraudulent panhandler was found begging for funds for a funeral at New Orleans Square recently as well.

Mayor Wimpee stated Tulsa Police were seeing panhandlers who were not poor or homeless; the panhandlers were simply choosing to beg to make money, and in some cases the panhandlers were making \$500 dollars a day (according to Tulsa).

Council Member Ford stated panhandling was a job for some, but some people were genuinely in need, and while the City would not force those in need to accept assistance, it was good to be able to offer assistance to those who were genuinely in need and this Ordinance would better enable the City to do so. She stated the Ordinance would not prevent anyone from panhandling legitimately.

Vice Mayor Gillespie asked if someone who, for example, sold goods at the farmer's market, could sell goods on a street corner.

City Attorney Dennis stated Broken Arrow had different regulations for commercial speech than begging speech; and selling goods was considered commercial speech.

Mayor Wimpee asked if selling goods was included under "your ability to earn a living."

City Attorney Dennis responded in the negative. He explained the first amendment protected political speech, religious speech, etc., and the courts viewed begging or asking for donations as this type of speech. He explained commercial speech was considered selling things at the farmer's market, going door to door soliciting, etc.

Council Member Johnnie Parks asked how this Ordinance would stand up in court.

City Attorney Dennis responded he conducted significant legal research regarding this Ordinance. He discussed the cases researched, specifically the Oklahoma City case. He explained what the courts would consider when evaluating the Ordinance. He stated he was unsure whether this Ordinance would stand up in court as there was a similar case (in Slidell) in which the courts felt a blanket permit requirement for panhandlers was "a sledgehammer approach when a scalpel approach was more appropriate."

Council Member Green asked what the penalty was for those who begged without a permit.

City Attorney Dennis responded it would be a ticket-able offense and City Council could set the fine as class A, up to \$750 dollars and up to two days in jail.

Vice Mayor Gillespie asked if Broken Arrow required permits for protests.

City Attorney Dennis responded recently there was a Black Lives Matter "parade" which closed down a street, and there was a process to get permission to do things of this nature;

however, protests could vary, for example, he could stand in the median with a sign, and this could be considered a protest, but was not regulated.

Vice Mayor Gillespie noted there was a protest event at City Park.

City Attorney Dennis stated the City did have special event requirements if there would be a large gathering on City property.

Vice Mayor Gillespie asked if the Slidell case charged for the panhandling permit. She noted in the Slidell case, permits were required to be obtained from the police, and Broken Arrow did not require a permit to be obtained from the police.

City Attorney Dennis indicated Slidell just decided to have the police department handle the application processing and who was responsible for processing the application was not important to the analysis by the court.

Council Member Green stated one of his constituents asked if the City was making it illegal to be homeless.

Vice Mayor Gillespie stated this Ordinance had nothing to do with homelessness.

Council Member Ford indicated this Ordinance was pertaining to panhandlers, and it was not preventing anyone from panhandling; the City was not restricting anyone from begging and was not preventing panhandlers from begging from the median.

Council Member Parks stated he just wanted to ensure nothing would prohibit begging or make begging difficult. He stated he was more concerned about panhandlers being safe and not getting hit by cars. He stated he did not want there to be a fee associated with obtaining the permit.

Council Member Green explained there was no fee associated with obtaining the permit; the application was free.

Discussion ensued regarding the application and permit being free and what could prompt denial of an application.

City Attorney Dennis explained an application could be denied if the applicant was not 18 years of age, or if false information was submitted. He stated in the case of Slidell, the court considered having to go to apply for a permit being too much of a restriction. He noted the court indicated if individuals were not required to obtain a permit to make a political or religious speech, then individuals should not be required to obtain a permit to make a panhandling speech. He stated requiring everyone who panhandled to obtain a permit when not everyone who panhandled was a problem was unreasonable. He stated the court encouraged the City of Slidell to tailor its approach, for example, by considering cameras at intersections to monitor problem areas and/or having increased police presence in problem areas, as this would be a less restrictive approach to controlling the problem.

Vice Mayor Gillespie stated she was conflicted about this Ordinance. She stated she wanted people to be free to panhandle, but she wanted someone to be held responsible when a panhandler left trash in the median or along the roadside. She stated she also wanted to make sure those who were truly in need obtained, or at least were offered, the services available. She stated she also felt there were too many panhandling situations in which it seemed the women and children involved were unsafe, and she wanted to ensure the safety of these women and children.

Council Member Parks stated he wanted to make sure the City was not taking away anyone's constitutional right to panhandle by making the permit application process too difficult. He stated he had a problem with certain panhandlers, but there were some panhandlers who truly were in need. He noted he was recently in Atlanta, GA, where he was accosted by panhandlers on the sidewalk at night, who would not let him pass, and he had to remove himself from the situation. He noted panhandling could become a problem, and he did not want to see this in Broken Arrow, but he also did not want to take away anyone's constitutional rights.

City Attorney Dennis stated what Council Member Parks just described (being accosted by panhandlers at night) was illegal in Broken Arrow because it was panhandling in an aggressive manner.

Mayor Wimpee noted it was amazing how quickly panhandlers learned a high visibility vest was required to panhandle in Broken Arrow. She stated she understood police officers would have to stop to speak with panhandlers to make them aware of the new permit requirement in the City, but this would also give police officers the opportunity to provide information

regarding resources available to those in need in the City of Broken Arrow. She stated she did not know that requiring a permit would make a big difference in the City; if panhandlers did not know where to go to get a permit, how to get a permit, or have a way to go get a permit, it could be a problem.

Council Member Ford stated she was not married to the permit idea, she just wanted City Council to have discussion. She stated she felt permit requirement or not, there were things the City could do to push information regarding available resources to the community. She stated when the police received calls about panhandlers perhaps the police could go check whether the panhandlers were safe or needed other resources. She stated she understood this would be a burden to the police department, but it could also prevent fraud or other problems. She stated she was not saying the City of Broken Arrow needed to require this permit, but it did need to “up its game” in terms of the panhandling situation. She stated she asked Lori Hill if something could be sent out quarterly or even monthly reminding the public to donate to the local nonprofit organizations such as Broken Arrow Neighbors and John 3:16 who provided services to those in need as opposed to giving money to panhandlers. She stated John 3:16 spoke at her Rotary club and explained giving money to panhandlers prolonged the problem and discouraged those in need from accepting help from organizations such as John 3:16 who could truly help someone get back on their feet.

Vice Mayor Gillespie stated Oklahoma complained about a lack of workforce, yet it seemed to encourage people to panhandle as opposed to working at legitimate jobs.

Council Member Ford noted the permit applications could be filled out online from cell phones as well.

Council Member Green asked if the City was going to require panhandlers to come in and fill out an application, was it going to increase security as well, because some panhandlers were drug addicts or had mental health issues. He stated not everyone was going to apply from a cell phone.

Council Member Ford noted City employees were safe behind glass. She asked for information regarding donating to local nonprofit organizations to be sent out monthly. She asked whether the police could be directed to check on panhandlers and offer services when needed.

Chief Berryhill explained when the police received a call regarding panhandlers, an officer was sent out to check whether the panhandler was in compliance with the current Ordinance and to offer services which were almost always declined. He noted the police recently arrested someone for fraudulently panhandling.

City Attorney Dennis stated Broken Arrow had an Ordinance in place which made it illegal to fraudulently attempt to collect money.

Vice Mayor Gillespie stated this would be a good discussion to have with the Broken Arrow Minister’s Alliance.

Council Member Ford thanked City Attorney Dennis.

Citizen David Oldham stated he was pleased with the direction of the City Council’s conversation. He stated he felt the proposed Ordinance was unconstitutional and he was opposed. He stated he had a right to beg without a permit until he violated someone else’s rights and was convicted in a court of law. He discussed the constitution and how this Ordinance was unconstitutional.

Citizen Josh Stenros stated he also was pleased with the direction of the City Council’s conversation. He stated it was not illegal to be poor in America and he felt requiring a permit to beg was invasive. He indicated he was opposed to this Ordinance as he felt it criminalized being poor. He stated he also believed the Ordinance was unconstitutional. He stated he trusted the Broken Arrow Police to handle any fraud situations.

City Manager Spurgeon indicated he would meet with Erin Hofener and organize an annual campaign with reminders about the importance of giving and he would talk to the Police about how panhandling calls were handled. He stated he would also make sure there was nonprofit information posted on the Broken Arrow website including links for giving.

Mayor Wimpee noted it would be very simple to get the word out via social media by scheduling release of regular posts.

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

Move for no action

The motion carried by the following vote:

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

11. Ordinances

There were no Ordinances.

12. Remarks and Inquiries by Governing Body Members

Council Member Ford reported the Texas Roadhouse in Tulsa, on the other side of Garnet, was doing Toy Drive for the Broken Arrow Fire Department. She stated if you donated a toy at the Texas Roadhouse before December 10, you would be given a free appetizer coupon. She stated toy donations were also being accepted at the Broken Arrow Fire Department.

Mayor Wimpee announced this weekend, Friday, Saturday and Sunday, the Community Playhouse was doing a Holiday Hometown Happenings at which she, Chief Berryhill, and Senator Haste would be taking turns acting as the MC. She reported Saturday morning was the Tulsa Christmas Parade at which Broken Arrow would be granting wishes through Soldier's Wish.

Vice Mayor Gillespie stated she and Council Member Ford attended the Tulsa Chamber State of the Economy luncheon last week. She indicated it was a fun event, and Broken Arrow was at the top of list for growth. She encouraged anyone who needed assistance, anyone who felt the need for help, to call "988" as opposed to "911" to obtain available resources. She stated the holidays were very stressful times and many people suffered from depression, especially around the holidays, and it was important to remember there was help available and that you were not alone. She encouraged those who needed help to call "988" or a church or to even message her through Facebook.

Council Member Green agreed often at this time of the year many people felt alone and he encouraged residents to visit the animal shelter and find a furry friend for the season. He stated adoption fees were only \$63 dollars.

Mayor Wimpee stated this past Saturday Broken Arrow had an incredible Christmas Parade. She thanked and commended Ryan Baze and his team for putting together the Polar Express float.

Discussion ensued regarding the wonderful Christmas Parade in Broken Arrow and the Polar Express float.

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

City Manager Spurgeon commended Ryan Baze and his team for creating the Polar Express float for the Christmas Parade. He thanked City Council for approving the Taser purchase. He commended Chief Berryhill for reorganizing funds for the Taser contract. He reported the State of the City presentation was one week from tomorrow and would be held at Stoney Creek. He noted the program would be online for viewing; he invited all to watch the program. He reported on December 19th a special meeting would be held before the regular City Council Meeting regarding the Citizen Survey which would be going out at the beginning of 2024. He noted the survey was quite lengthy. He indicated during the regular City Council Meeting two contracts would be up for consideration, one was for City Hall, and one was for the 2026 bond package.

Council Member Green stated today he and Mayor Wimpee met with the Broken Arrow Fire Department for lunch and went out on two calls, both of which were canceled before the Fire Department arrived. He noted Broken Arrow had some excellent fire fighting and paramedic equipment.

At approximately 7:57 p.m. Mayor Wimpee noted there was an Executive Session and called for a recess for BAMA and BAEDA.

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

Move for a recess for BAMA and BAEDA

The motion carried by the following vote:

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

At approximately 8:07 p.m. the City Council meeting was reconvened by Mayor Wimpee who called for a motion.

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

Move to clear the room for Executive Session

The motion carried by the following vote:

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

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

Move to enter into Executive Session at approximately 8:13 p.m.

The motion carried by the following vote:

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

14. Executive Session

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

1. Confidential communications regarding a claim, potential litigation, or actions related to a Class Action lawsuit involving the contamination of water supplies by certain manufacturers through the use of PFAS (per and polyfluoroalkyl substances) under 25 O.S. §307(B)(4)

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the claims and litigation and disclosure will seriously impair the ability of the public body to process the proceeding in the public interest. Moreover, the Executive Session is necessary to protect the confidentiality of the investigations and potential litigation. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

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

Move to find the Executive Session necessary

The motion carried by the following vote:

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

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

Move to authorize the City Attorney and outside counsel to opt out of the pending settlements in the ongoing PFAS litigation

The motion carried by the following vote:

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

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

Move to return to open session at approximately 8:25 p.m.

The motion carried by the following vote:

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

15. Adjournment

The meeting was adjourned at approximately 8:27 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Mayor

City Clerk