



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 Scott Eudey
Council Member Johnnie Parks
Council Member Lisa Ford

Monday, June 6, 2022

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 Scott Moore performed the invocation.

3. Roll Call

Present: 5 - Lisa Ford, Scott Eudey, Johnnie Parks, Christi Gillespie, Debra Wimpee

4. Pledge of Allegiance to the Flag

Council Member Scott Eudey led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Wimpee noted Item AD would be pulled from the Consent Agenda. She asked if there were any other Items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to approve the Consent Agenda absent Item AD

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- A. 22-31 Approval of the City Council Meeting Minutes of May 17, 2022
- B. 22-712 Acceptance Planning Commission meeting minutes of May 12, 2022
- C. 22-728 Acceptance of the Drainage Advisory Committee meeting minutes of February 28, 2022
- D. 22-745 Approval of and authorization to execute Budget Amendment Number 36 for Fiscal Year 2022
- E. 22-746 Approval of and authorization to execute Budget Amendment Number 37 for Fiscal Year 2022
- F. 22-747 Approval of and authorization to execute Budget Amendment Number 38 for Fiscal Year 2022
- G. 22-627 Approval of and authorization to receive funding from Oklahoma Farm Bureau Foundation for Agriculture Farmers Market Grant for the purpose of promotion of the Rose District Farmers Market
- H. 22-735 Approval of and authorization to execute a purchase of Central Insurance Policies for the Bass Pro umbrella policy, and Bass Pro general liability policy, effective July 1, 2022
- I. 22-738 Approval of and authorization to execute a purchase of Oklahoma Municipal Assurance Group (OMAG) Insurance Policies for the Bass Pro property, mobile equipment and general municipal property, effective July 1, 2022
- J. 22-736 Approval of and authorization to execute a purchase of Chubb Group of Insurance Companies Policy for Electronic Data Processing Property, effective July 1, 2022
- K. 22-673 Approval of and authorization to execute an amended Group Term Life Policy and Rate confirmation with Minnesota Life Insurance Company to provide group term life, accidental death and dismemberment and supplemental life insurance to City employees, accepting the enhanced benefits and incorporating required changes as provided by the enhancement document for the Group Term Life Policy for the City of Broken Arrow to be effective July 1, 2022
- L. 22-739 Approval of and authorization to execute the purchase of Philadelphia Insurance Companies Insurance Policies for Battle Creek Commercial Liability and Battle Creek Property, effective July 1, 2022
- M. 22-727 Approval of and authorization to execute Resolution No. 1460, a Resolution declaring Rooster Days, on June 9-12, 2022, a holiday
- N. 22-737 Approval of and authorization to execute Resolution No. 1461, a Resolution of the City Council of the City of Broken Arrow adopting the City of Broken Arrow Investment Policy

- O. 22-724 Approval of and authorization to execute a Pest Control Service Agreement (third renewal, year three) with Allstate Termite and Pest Solutions for monthly pest control at all City facilities
- P. 22-704 Approval of and authorization to execute a Renewal Agreement No. 3 with Admiral Express to provide office supplies on a City-Wide basis
- Q. 22-700 Approval of and authorization to execute an engagement letter with Arledge & Associates, PC for fiscal year ending June 2022
- R. 22-702 Approval of and authorization to execute an engagement letter with Crawford & Associates for fiscal year 2022-2023
- S. 22-694 Approval of and authorization to execute a Medical Director Services Agreement between David Gearhart, D.O. and the City of Broken Arrow for services as the Physician Medical Director for the Fire Department
- T. 22-683 Approval of and authorization to execute a professional services contract with First Responder Support Services, LLC to provide behavioral health services (counseling, training and consultation) to all employees of the Broken Arrow Police Department
- U. 22-647 Approval of and authorization to execute a First Amended Memorandum of Understanding between the Indian Nation Council of Government (INCOG) and Broken Arrow, Oklahoma
- V. 22-696 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and John Barnhart, P.C., Attorneys and Counselors at Law for providing outside counsel and legal advice regarding Workers' Compensation matters
- W. 22-697 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Latham, Steele, Lehman, Keele, Ratcliff, Freije & Carter, Attorneys at Law for providing outside counsel and legal advice regarding Workers' Compensation matters
- X. 22-695 Approval of and authorization to execute a Clinical Affiliation Agreement between SouthWest EMS Academy and the City of Broken Arrow
- Y. 22-752 Approval of and authorization to execute a Contract with Tulsa County for Provision of Public Services for the Federal Program Year 2021 Community Development Block Grant (CDBG) Program
- Z. 22-645 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Two Oaks Investments, LLC, dba Consolidated Benefits Resources (CBR) to provide services for Workers' Compensation claims administration
- AA. 22-730 Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than \$25,000
- AB. 22-729 Acceptance of the Drainage Advisory Committee's recommendations to reject the International Christian Assembly of Tulsa's request for expenditure of 2018 GO Bond, Proposition 6 funds for erosion control on the unplatted private channel and private pond
- AC. 22-731 Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 General Obligation Bonds, Proposition 6 funds for removal and replacement of an existing 36 inch pipe to reduce localized flooding and roadway overtopping in the Homestead Addition Subdivision contingent upon an easement being provided to the City and the fencing being the responsibility of the property owners
- AD. 22-714 Approval of color scheme selection to be used for decorative pavers and colored concrete included in the West New Orleans Street and Elm Place Intersection and Streetscapes Improvements (ST1928) project
- AE. 22-749 Approval of and authorization for 24-hour per day availability for concrete placement by Diversified Civil Contractors, LLC, on the construction contract for West New Orleans Street and Elm Place Intersection and Streetscapes Improvements (ST1928) and waiver of the disorderly conduct provisions pursuant to Broken Arrow Code of Ordinances, Chapter 16, Section 16-12
- AF. 22-663 Approval of and authorization to execute a bid contract with Magnum Construction, Inc for the renovation of the Broken Arrow Municipal Court Room, and lobby
- AG. 22-734 Approval of and authorization to execute a Sales Quote to add Tyler Payments ERP payment solution to the Tyler Technologies agreement
- AH. 22-688 Approval of BAZ-2108 (Rezoning), Gorrell Property, 2.56 acres, A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential), one-half mile north of New Orleans Street (101st Street), one-eighth mile west of 23rd Street (193rd E. Avenue/County Line Road)
- AI. 22-689 Approval of SP-308, 330 S 5th Pl, 0.20 acres, request for a Specific Use Permit for a Type 2 Short Term Rental, located one-eighth mile north of Houston Street (81st Street), one-quarter mile west of 9th Street (177th E. Avenue/Lynn Lane Road)
- AJ. 22-687 Acceptance of a Utility Easement from Bonnie Gorrell, on property located one-half mile north of New Orleans Street (101st Street), one-eighth mile west of 23rd Street (193rd E. Avenue/County Line Road) at 19140 East 96th Street South (Section 28, T18N, R14E) (Utility Easement 2 Unplatted Lots)
- AK. 22-698 Acceptance of a Detention Easement from Independent School District No. 3 of Tulsa

- County Oklahoma on property located approximately one-quarter mile south of Albany Street (61st Street), one-half mile east of 9th Street (Lynn Lane) (Section 01, T18N, R14E) (BAPS Event Center)
- AL. 22-699 Acceptance of a Waterline Easement from Independent School District No. 3 of Tulsa County Oklahoma on property located approximately one-quarter mile south of Albany Street (61st Street), one-half mile east of 9th Street (Lynn Lane) (Section 01, T18N, R14E) (BAPS Event Center)
- AM. 22-656 Approval of and authorization of Final Acceptance and donation for the public improvements located at 2300 East Kenosha
- AN. 22-707 Approval of and authorization of Final Acceptance and donation of the public improvements at Lakes at Rabbit Run located at New Orleans Street and Olive Street
- AO. 22-710 Approval of and authorization of Final Acceptance and donation of the public improvements at Stewart Martin Kubota located at 1149 North Elm Place
- AP. 22-721 Approval of and authorization of Final Acceptance and donation of the public improvements at The Rose Quarter located at 1st & Elgin Street
- AQ. 22-657 Approval of and authorization of Final Acceptance and donation for the public improvements at Timber Ridge Cottages located at Kenosha and Creek Turnpike
- AR. 22-660 Approval of and authorization of Final Acceptance and donation of the public improvements at Tucson Village II located at East Tucson Street and 23rd Street
- AS. 22-667 Approval of and authorization of Final Acceptance and donation of the public improvements at Villas at Bricktown East located at 1501 North Elder
- AT. 22-716 Ratification of the Claims List Check Register Dated May 31, 2022

6. Consideration of Items Removed from Consent Agenda

Mayor Wimpee read Item AD: "Approval of color scheme selection to be used for decorative pavers and colored concrete included in the West New Orleans Street and Elm Place Intersection and Streetscapes Improvements (ST1928) project."

Assistant City Manager over Operations Kenny Schwab reported this Item was the color scheme for the New Orleans Square intersection project. He reported there were two color schemes, a warm tone color scheme and cool tone color scheme. He displayed examples of both. He indicated the two color schemes were similar in cost and matched the overall scheme of the intersection. He noted he had been asked whether it would be possible to bring in a bluer tone; however, as he understood, this would be difficult as the color would need to be mixed into each batch of cement separately and consistency in color would be extremely difficult. He noted the two color schemes which were suggested had colors which were much easier to control. He stated there was a possibility of including blue tones in specific portions of the design, for example in the central emblem. He stated he could bring this back before City Council with blue tones included for consideration, along with change orders. He stated cost-wise the emblem currently was \$30,000 dollars; making the emblem a solid blue color would cost up to \$80,000 dollars or \$90,000 dollars; making the emblem with a blue tone would put the cost somewhere between \$30,000 dollars and \$80,000 dollars.

Council Member Eudey stated he poured concrete years ago, and he understood how difficult it was to maintain consistency in color. He stated he had been wondering if the vendor was confident in his ability to maintain a consistency in the colors presented (even without the blue). He asked when the concrete would be poured.

Mr. Schwab responded the emblem itself was 120 cubic yards of concrete which would be 20 truckloads of concrete, this equaled five to six trucks per quadrant and each quadrant would be poured 45 days apart.

Council Member Eudey stated he felt consistency in color would be easier in the cool tone color scheme.

Mr. Schwab stated tonight's recommendation would be to either table this Item and direct Staff to come back in two weeks with change orders or approve one of the presented color schemes.

Vice Mayor Christie Gillespie stated she would like to table the Item and see it in two weeks.

Council Member Eudey asked if this Item could be approved subject to the change orders to be presented in two weeks.

Mr. Schwab stated the only problem with approving this currently was he did not know the exact costs at this point; he would have the exact costs in two weeks.

Council Member Johnnie Parks asked if tabling this Item would slow down the process.

Mr. Schwab responded in the negative; there was plenty of other work to be done. He noted it would push the closing date a couple of weeks, but he believed it was important to get this right at the beginning.

Vice Mayor Gillespie stated this project was important and the color scheme was important. She noted the warm tone color scheme did not match the New Orleans Square branding. She stated she wanted to see a color scheme more aligned with New Orleans Square branding.

City Manager Spurgeon stated this would be tabled and would come back before City Council on June 20, 2022, for consideration.

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

Move to table this Item until June 20, 2022

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

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

A. 22-723 Conduct a Public Hearing for the Proposed 2022-2023 Fiscal Year Budget

City Manager Michael Spurgeon stated he would make a presentation regarding the proposed 2022-2023 Fiscal Year Budget, after which he hoped to hear from members of the public; the Budget would be considered for adoption on June 20, 2022.

City Manager Spurgeon stated there was a full copy of the FY-2023 Budget available on the Broken Arrow website. He reviewed the topics he would cover in his presentation. He explained the City of Broken Arrow operated on a Fiscal Year Budget Cycle, July 1 through June 30. He stated the Municipal Budget served the following purposes: It was a “blueprint” for providing municipal services for the upcoming fiscal year; it matched available resources with community needs; and it outlined the work plan and priorities for the organization.

City Manager Spurgeon indicated the City had the following priorities: Maintaining long-term fiscal soundness; public safety and preparedness; comprehensive economic development administration; affordable public utilities; ongoing investments in public infrastructure; and maintaining great quality of life in the community. He discussed the Budget Book which was several hundred pages and included the City Manager’s Executive Summary; proposed revenue and expenditures for each fund; proposed department budgets; special funds such as proposed expenditures, revenues, and fund balance; Street Maintenance Plan; proposed FY2023 GO Bond sale; OWRB Loan Program; and the Manual of Fees.

City Manager Spurgeon discussed the four key budgeting practices: Estimate revenues and expenditures conservatively; ensure all funds balanced; include built-in contingencies for the unexpected (build up fund reserves); and focus on long-term financial sustainability. He explained the bases for budget recommendations were to implement City Council’s on-going priority to provide great services to the community; to address the increasing demands for public infrastructure and public services as a part of a growing community; and to maintain City of Broken Arrow’s high quality of life.

City Manager Spurgeon discussed the breakdown of Broken Arrow sales tax. He reported the FY-2023 Proposed Municipal Budget was \$311 million dollars which was a 2.62% increase over FY-2022 which was \$303 million dollars. He discussed the breakdown of the FY-2023 budget: operations were \$142 million dollars, capital outlay was \$136 million dollars, and debt service was \$33 million dollars. He discussed the FY-2023 General Fund of \$121.4 million dollars noting this included the expenditures, transfers out, and the ending fund balance. He noted last year, FY-2022, the General Fund was \$111 million dollars which was an overall increase of 9.43%. He noted a cost of living increase for employees was included, as well as an increase in the cost of doing business due to the current economy. He discussed the General Fund Revenue projections: the total revenues for FY-2023 (not including transfers) was \$78,990,025 dollars which represented an 8.6% increase over last year; FY-2023 Sales Tax was projected to be 1.5% over estimated actuals and other revenues were projected to be about 2% over based on estimated actuals. He discussed the new City positions recommended which included dispatchers, dispatcher supervisor, support staff positions, IT positions, parks positions, community development positions, police officers and firefighters.

City Manager Spurgeon discussed the Sales Tax Capital Improvement Fund which was a dedicated fund for capital improvements. He stated revenues were estimated at \$9.6 million dollars. He explained the fund was used primarily for “pay as you go” capital expenses. He noted the proposed expenditures were on pages 167 – 173 of the Budget Book. He reported the Street Maintenance Fund would be approximately \$4.7 million dollars, added to the \$2.5 million dollars from the GO Bond package, there was approximately \$6.2 million dollars for street maintenance throughout the community. He noted information regarding the street projects would be available online; postcards would be sent out with a link to the online information, and social media messages would be sent out with this information as well. He discussed the breakdown of the street projects and discussed how street projects were prioritized.

City Manager Spurgeon discussed the FY-2023 BAMA Budget of \$134.5 million dollars. he noted last year the BAMA Budget was \$144 million dollars which represented a decrease of 6.6%. He reviewed the highlights of the BAMA Budget noting a rate increase was necessary to pay for ongoing operations, planned capital improvements, and OWRB debt service; the FY-2023 budget for BAMA was based on the following rate increases (same increases as last year): 5.5% water, 7% sewer and 9% stormwater. He stated there were \$2,601,200 million "pay as you go" capital work projects. He stated the proposed additional OWRB Projects equaled \$19,270,000 dollars. He noted the total OWRB projects in process in FY-2023 would be \$58,054,504 dollars with the additional project loans (Attachment C, page 247). He discussed the General Obligation Bond Projects noting there was approximately \$49.3 million dollars in current 2011, 2014, and 2018 GOB Projects (construction cycle); the proposed GO Bond Sale in FY-2023 was for \$43 million dollars. He displayed and discussed a chart illustrating the 2018 GO Bond Project Propositions breakdown. He discussed the FY-2023 Work Plan (pages 15 through 28) which was divided into sections: Communications and transparency; economic development administration and initiatives; new street maintenance program (Vision 2025 and GOB funds); approved and proposed BAMA projects; and various programs and initiatives (new and ongoing). He stated the ultimate goal was to make Broken Arrow a better place to live, work and raise a family.

City Manager Spurgeon made his closing remarks: "We've built a conservative focus that will help ensure Broken Arrow continues to provide the level of services that residents desire, while maintaining the modest tax implications taxpayers have come to expect. I believe that the initiatives and spending priorities recommended in this budget submission reflect not only the goals of the City Council, but also the priorities of the residents and taxpayers of BA."

City Manager Spurgeon recognized all who contributed to the creation of the Fiscal Year 2023 Budget: City Council, Finance Director Cindy Arnold and team, the Broken Arrow Directors, Crickett Moore, Makala Barton, and Aubrey Siess, and others.

Council Member Parks indicated he was impressed with how well the Streets and Stormwater Department was keeping up with the list of streets projects. He commended Rocky Henkel and crew.

Council Member Eudey noted the budget work session was held a few nights ago; all his questions were answered during the four hour budget work session. He commended all who contributed to the creation of the Budget.

Vice Mayor Gillespie stated she was pleased to see the City working hard to balance the budget and City Staff working to wisely spend the people's money.

City Manager Spurgeon commended Kenny Schwab and Norm Stephens for looking towards Broken Arrow's future.

Council Member Parks commended City Manager Spurgeon.

Mayor Wimpee thanked all who contributed to the creation of the budget. She opened the public hearing and asked three times if any wished to speak regarding this item; there were none who wished to speak. She closed the public hearing.

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 no Citizens signed up to speak.

9. General Council Business

A. 22-648 Consideration, discussion, and possible direction to the Administration relative to approaching the Museum Broken Arrow regarding the possibility of adding members of City Council or an appointed designee to their Board

City Manager Spurgeon reported City Council had requested a representative from City Council be placed on the user group boards for which the City had facilities, such as the Broken Arrow Museum, Senior Center, Military History Center, etc. He noted it was important for City Council to be represented to improve communication and understanding. He asked if the City Council wished to have himself approach Museum Broken Arrow regarding a City Council Member serving on the Board. He noted Kenny Schwab currently served on the Board. He asked how City Council felt about himself appointing a designee to the Museum Broken Arrow Board.

Council Member Parks stated the City Council Members were heavily involved with many Boards. He noted he did not feel the City Council needed to have two members on every user group board. He explained he had asked for two Members to serve on the Senior Center Board due to the size and scope of the Senior Center and the City's involvement with the Center. He stated he felt one City Council Member should serve on the Museum Broken Arrow Board in order to develop a relationship. He discussed the Mayor's involvement with

several Boards in Broken Arrow and suggested Staff review the contracts with these organizations as the contracts did not always reflect the Mayor's involvement, and in one case the Mayor was not a voting member of the Board, and he believed she should be.

Vice Mayor Gillespie agreed. She stated the City Council were stewards of public funds and City Council had a fiduciary responsibility to the citizens to be represented on the respective Board of any organization the City was donating funds to. She stated she did not want to serve on the Museum Broken Arrow Board.

City Manager Spurgeon stated he was grateful Kenny Schwab was serving on this Board. He indicated Mr. Schwab was asked to ensure all requests regarding the Museum Broken Arrow come through the City Manager's Office to make sure Mr. Schwab was never seen as giving special treatment to the Museum.

Council Member Parks stated Mr. Schwab was pivotal to the City of Broken Arrow.

Council Member Eudey stated he was not excited about adding City Council Members to Boards by requirement. He stated he was uncomfortable requiring a Board to include a City Council Member; however, if City Council felt differently, the Board should be able to choose which City Council Member would serve. He noted the Board could also decide not to allow a City Council Member to serve; at which point another discussion should be held. He stated he understood why the Senior Center should have City Council Members participate on the Board as the City was very involved with the Senior Center, much more so than with other facilities (such as the Museum).

Discussion ensued regarding which contracts with which centers indicated City Council Members would serve on their respective Boards.

Council Member Parks stated he felt having a City Council Member serve on the Museum Board would benefit the Museum; however, if the Museum Board felt differently perhaps there were other options.

Council Member Eudey agreed.

Vice Mayor Gillespie stated this was simply asking to have a seat at the table because of City Council's responsibility to the people.

Discussion ensued regarding whether requiring a Board to allow a City Council Member to have a seat on the Board could be seen as a "big government" act; Council Member Eudey believed it could be and Vice Mayor Gillespie disagreed; Council Member Ford disagreed.

Council Member Ford stated as long as the Museum was accepting City funds to pay the electricity and the mortgage, she did not feel this could be seen as a "big government" move. She stated if the Museum was not funded in any way by the City, then requiring the Museum Board to allow a City Council Member to serve would definitely be a "big government" move.

Council Member Eudey stated oversight could be maintained in other ways.

Council Member Parks stated he would like to see some consistency in the contracts with the various user-agreement Boards within the City. He noted if the Boards preferred not to allow a City Council Member to have a vote on the Boards, while he felt this was silly, it would be acceptable as long as the representing City Council Member was invited to all the Board Meetings. He noted Makala Barton served as a liaison between the City and the various Boards. He stated while he felt it would be beneficial to the various Boards to have a City Council Member serve, if any Board did not wish for this, perhaps these Boards could make regular presentations to City Council, as the Chamber did, to keep City Council updated.

Discussion ensued regarding the benefits of having a City Council Member serving on a Board.

Council Member Eudey agreed noting he felt it would be wise for the Museum to have a City Council Member serve on its Board, but he was uncomfortable telling the Museum it was required to have a City Council Member on its Board.

Council Member Parks stated the Museum could be given other options if it did not wish to allow a City Council Member to serve on its Board, but it was important to know what was going on with any entity which occupied a City-owned building.

Mayor Wimpee stated with Makala Barton serving as the liaison, and Kenny Schwab serving on the Museum Board, she felt in a way the City was already represented, but it also would not be a bad idea for a City Council Member to serve.

City Manager Spurgeon stated he was asking for a motion to direct the City Manager and a City Council Member (preferably Mayor Wimpee) to meet with the Museum's Executive Committee about a member of the governing body, or a City Manager designee, serving on the Museum Board.

Discussion ensued regarding whether the individual who served should be a City Council Member or a City Manager designee approved by City Council.

Vice Mayor Gillespie stated she felt it should be a City Council Member who serves.

City Manager Spurgeon stated there was one individual on the Museum's Executive Committee who did not wish to have a City Council Member serve on the Museum Board.

Council Member Parks noted it was difficult to find any group who agreed unanimously. He stated City Council had a lot of responsibility for the Museum.

City Manager Spurgeon stated he did not know of any other entity who had a problem with a City Council Member being involved in its organization; however, this particular organization had concerns about a City Council Member serving on the Museum Board. He noted he did not understand why, and ultimately if it were not a positive reaction, City Council could address the situation when the user agreement came up for renegotiation.

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

Move to authorize City Manager Spurgeon and Mayor Wimpee to approach the Museum Board and discuss the addition of one City Council Member to the Museum Board

The motion carried by the following vote:

Aye:	4 -	Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee
Abstain:	1 -	Scott Eudey
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B. 22-684 Consideration, discussion, and possible approval of Broken Arrow City Council Ward Boundaries, based on 2020 U.S. Census and authorize the drafting of a Resolution and Ordinance accepting the same

Placemaking Manager Farhad Daroga reported statutorily, the City currently had four Ward Boundaries for four City Council Members, and there was one Council Member at large. He stated the current Ward Boundaries were approved approximately 10 to 11 years ago, as it was done after every decennial census. He indicated the Ordinance showing the current Ward Boundaries divided them up generally into northwest, northeast, southwest and southeast Wards. He noted Broken Arrow's population in April 2020 was 113,540 citizens, which was an increase of 15,000 people, which was an almost 15% increase in population. He stated Broken Arrow was the fourth largest city in Oklahoma and the 267th largest city in the United States. He noted there were federal, state, and local guidelines for Ward Boundary distribution. He noted Broken Arrow did an excellent job with its Ward Boundaries. He noted the City Council approved a five person advisory panel to look into the Ward Boundaries; this panel had met at length and developed different options for redistributing the Ward Boundaries. He displayed and discussed a map which illustrated the current Ward Boundaries. He explained there was over a 12% deviation in population numbers as the Wards currently stood; therefore, redistribution of boundaries was necessary. He stated the panel developed five different options for redistribution, but highly recommended Option A which brought the deviation down to around 5%. He stated Option A took projected growth patterns into consideration and attempted to keep the population distribution fairly even in the four Wards over the next decade. He noted information regarding Broken Arrow's demographic and historical growth were included in the information packet. He noted geographical size of the Wards was irrelevant; population numbers were the significant factors. He displayed and discussed a map which illustrated redistribution Option A.

Council Member Eudey thanked and commended the advisory panel. He agreed Option A was the best option.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to approve Option A as submitted by the advisory panel

The motion carried by the following vote:

Aye:	5 -	Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee
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City Attorney Trevor Dennis indicated a Resolution and Ordinance for Ward Boundaries subsequently would come before City Council.

10. Preview Ordinances

- A. 22-725 Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 7 - Business Regulations and Licenses / Article XI, -Wrecker Services, more specifically changing vehicle impoundment procedures**

City Attorney Dennis stated this Item was a small change to the operating rules and regulation requirements for wrecker services. He noted currently Ordinance indicated the wrecker driver had to verify by signature the inventory made and who was onsite; with the move to a new computer aided dispatch system, the wrecker driver would no longer be signing documents. He noted Chief Berryhill was present to answer any questions.

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

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- B. 22-705 **Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 24 - Water, Sewers and Sewage Disposal, Article I - Overview and Definitions, Section 24-19; Repealing all ordinances to the contrary**
Utilities Director Charles Vokes reported this proposed Ordinance revision would allow for a licensed plumber to install ¾" and 1" water meters for new house construction if a builder so chose. He noted this would free up some Broken Arrow Staff and improve customer service on other items.

Council Member Parks noted plumbers were providing this service in other communities.

Mr. Vokes concurred.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- C. 22-706 **Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 24 - Water, Sewers and Sewage Disposal, Requirements for Water Service; Section 24-202 - Fee for Service Connection; Repealing all ordinances to the contrary**

Mr. Vokes explained this Ordinance was a continuation of the previous Ordinance.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- D. 22-751 **Consideration, discussion and possible preview of an Ordinance amending Chapter 7 Business Regulations and Licenses, Article XV Medical Marijuana Sec. 7-386 Definitions; Sec. 7-387 Permit required, general provisions; Sec. 7-388 Medical Marijuana dispensary requirements; Sec. 7-389 Commercial grower requirements; Sec. 7-390 Marijuana Processor requirements; Sec. 7-391 Approval, issuance, denial and appeal; Sec. 7-392 Operational and Business plan requirements for medical marijuana dispensary, commercial grower and marijuana permit holders; Sec. 7-393 Medical marijuana growing facilities for personal use; Sec. 7-394 Additional regulations; Sec. 7-395 Enforcement; Sec. 7-396 Penalties**

City Attorney Dennis reported several changes were made at the last legislative session to the medical marijuana ordinances. He explained this was updating Broken Arrow Ordinances to reflect these changes. He stated there was also some movement from some of the provisions about the setoff requirements from the permitting section to the zoning section which made more sense in terms of Broken Arrow's regulatory scheme. He noted these would be up for final adoption later on. He noted there were also changes to definitions, language, renewal fees, permit fees, and an enforcement and penalty provision was added.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

11. Ordinances

- A. 22-653 **Consideration, discussion, and possible adoption of Ordinance No. 3728 amending Chapter 2, Administration, Article I, In General, Sec. 2-13 -Members of boards and commissions, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow, repealing all ordinances to the contrary and declaring an emergency**

Director of Tourism Lori Hill stated Ordinance No. 3728 and No. 3729 were related as the name Broken Arrow Convention and Visitors' Bureau was listed in two different places. She noted each also called for an emergency clause. She noted Ordinance No. 3728 updated the name of the Bureau to Visit Broken Arrow under Chapter 2, Administration, Article I, In General, Sec. 2-13.

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

Move to adopt Ordinance No. 3728

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

B. 22-732 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3728

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

C. 22-652 Consideration, discussion, and possible adoption of Ordinance No. 3729 amending Chapter 2, Administration, Article XIV, Convention and Visitors' Bureau (CVB); Sec. 2-211 Created, specifically changing the name of the Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-212. Appointments, specifically changing the name of the Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-213. - Removal from office, specifically changing the name of the Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-214. - Organization, specifically changing the name of the Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-215 - Duties, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-217 - Selection of Officers, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-218 Codes of Ethics, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; and Sec. 2-219 Public Hearings, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; repealing all ordinances to the contrary and declaring an emergency

Ms. Hill stated Ordinance No. 3729 changed the Convention and Visitors' Bureau name to Visit Broken Arrow in several sections of Broken Arrow Ordinance.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.

Move to adopt Ordinance No. 3729

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

D. 22-733 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3729

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

E. 22-743 Consideration, discussion and possible adoption of Ordinance No. 3732 amending Section 3.2.C.7 (Specific Use Permit Standards: Commercial Uses); Section 10.3.D.9 (Definitions: Commercial Uses) Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance; and repealing all ordinances or parts of ordinances in conflict herewith and declaring an emergency

Planning and Development Manager Jill Ferenc reported this Ordinance was previewed at the last City Council Meeting. She stated the modifications were to Chapter 3, modifying specific use standards within Zoning Ordinance for medical marijuana dispensaries, license operations for processing, and growing operations. She stated Chapter 10 was abating the definition section for these as well.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.

Move to adopt Ordinance No. 3732

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

F. 22-744 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3732

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

G. 22-722 Consideration, discussion and possible adoption of Ordinance No. 3733 amending the Broken Arrow Code of Ordinances, Chapter 10 Fire Prevention and Protection, Article

I - In General; Section 10-3 - Manufacture, sale, use, etc. of fireworks; Repealing all ordinances to the contrary; and declaring an emergency

City Attorney Dennis stated at the last City Council Meeting a presentation was made by Chief Berryhill regarding possible changes to the Fireworks Ordinance. He stated subsequent to said meeting and the direction provided by City Council, the Ordinance was amended. He noted fines and fees would remain the same; citizens would now be required to have a fire suppression device at hand while setting off fireworks.

Council Member Ford stated she would like to hear from Chief Berryhill as the complaint she received was not regarding the Ordinance, it was regarding enforcement.

Council Member Eudey stated he appreciated the fact that fire extinguishers would now be required as his biggest concern with the Ordinance was private fireworks displays and possible fires.

Mayor Wimpee stated her concern was, if you obtained a permit, how did you prove you also had a fire extinguisher.

Vice Mayor Gillespie asked if the City would go around and check licenses and fire extinguishers. She stated she was in favor of citizens keeping fire extinguishers close by while setting off fireworks, but she did not like putting an Ordinance in writing that would not be enforced.

Chief Berryhill stated in looking at the calls for fireworks violations last July, it was determined to have one fire marshal and two officers on duty specifically to respond to fireworks calls during peak firework call times July 1 through July 6. He noted the Police Department had better visibility on the permits and would provide a script to dispatch. He explained dispatch would look to see if an address had a permit, and if so, no officer would be dispatched. He stated dispatch would also ask if the caller was willing to sign the back of a citation witnessing the violation if, when the police arrived, no fireworks were being set off.

Vice Mayor Gillespie asked if when the citizens voted to approve the use of personal fireworks, the citizens also voted to approve requiring a fireworks license.

City Attorney Dennis responded the voters approved fireworks with a permit; there was no specified fee. He noted at the time this went to the voters there was a \$20 dollar fee for fireworks permit in place. He noted in Oklahoma, voter approval was not required for a fee, only for a tax.

Council Member Eudey noted he understood part of the encouragement for approving the use of fireworks was the fees collected would be used to pay for the required enforcement.

City Manager Spurgeon stated the fees collected went into the General Fund and the revenue was available to pay the Police Department.

Council Member Ford stated she would like to know exactly what was on the ballot.

Vice Mayor Gillespie stated she looked up a newspaper article, and the Police Chief (at the time) indicated the fees collected would be used to help offset the costs of overtime police officers needed during the holiday weekend.

City Manager Spurgeon stated these fees in essence were used to help offset the costs of police officers needed during the holiday weekend. He noted the challenge was the police could not be omnipresent.

City Attorney Dennis stated Ordinance No. 2822 specifically had Proposition 1 which went to the voters and said, "Shall the City of Broken Arrow allow fireworks to be discharged by individuals with a permit within the City Limits of Broken Arrow?" and also "The ballots used in the election shall set out the Proposition as set forth and shall also contain with respect to each Proposition the following words: box check for the above Proposition, box check against the above Proposition." He reported this passed in 2006. He noted minor amendments to the Ordinance were approved in 2007, 2008, 2009, 2010 and then 2018. He noted the last amendment was passed unanimously by City Council on August 21, 2018; this Ordinance required a permit as "set forth in the Manual of Fees" and on August 31, 2021, City Council unanimously passed Resolution No. 1416 approving the current Manual of Fees, which on page 9 said, "Residential Fires Discharge \$22 dollars" under miscellaneous permit fees.

Discussion ensued regarding citizens signing citations as a witness against neighbors and whether not having a fire extinguisher on hand while setting off fireworks would be a criminal offense.

Council Member Ford stated the complaints she received from her constituents was not about the Ordinance, it was about the Ordinance not being enforced. She noted people were setting off fireworks at 2 o'clock in the morning.

Council Member Eudey noted setting off fireworks at 2 o'clock in the morning was a violation of multiple City Ordinances.

Chief Berryhill noted it was easier to enforce fireworks regulations after hours than it was during peak hours.

Discussion continued regarding responding to fireworks calls; dispatchers knowing in advance whether an address had a fireworks permit; and group neighborhood fireworks.

Chief Berryhill noted this year there would be police officers dedicated to responding to fireworks calls.

Mayor Wimpee noted there was still the problem with police showing up on the scene and the violator no longer setting off fireworks.

Chief Berryhill noted in this case the neighbor who called would have the option to sign the back of the citation witnessing the violation.

Mayor Wimpee stated this Item was to amend the Ordinance to add the fire extinguisher requirement.

Council Member Eudey noted otherwise the Ordinance remained unchanged.

Chief Berryhill concurred.

Mayor Wimpee noted one Citizen signed up to speak.

Citizen Matt Griffiths stated Broken Arrow was one of the most transparent cities in the State of Oklahoma. He noted he had many conversations with Council Member Ford and Chief Berryhill about his concerns regarding enforcement of this Ordinance. He stated he was happy to hear it would be better enforced this year. He stated he still was against the Ordinance because of the fee. He noted there should not be a fee to obtain a permit. He noted the people voted for a permit, but not for a permit fee. He stated it was his impression the fee would go to pay the enforcing officers directly. He stated if this was not the case, there should be no fee.

Discussion ensued regarding what the voters approved; the Ordinance; and the fee intended to pay for officers to enforce the Ordinance.

Discussion ensued regarding whether to pass Ordinance No. 3733 requiring a fire extinguisher and whether Ordinance No. 3733 could be enforced.

Assistant City Manager Norm Stephens stated a recommendation to have a fire extinguisher on hand while setting off fireworks had always been on the permit.

Fire Chief Moore stated requiring a fire extinguishing agent was his recommendation. He stated fireworks were a huge cause of personal injury and property damage. He stated the Ordinance did not require a "fire extinguisher" it required a fire extinguishing agent which could be a garden hose or a bucket of water. He noted these were appropriate extinguishing agents depending on the type of fireworks. He stated if an individual were playing with sparklers, the Fire Department would like the user to drop the sparklers into a bucket of water when done. He noted firework debris was often a source of response for fire trucks as sparklers (and other extinguished fireworks) would smolder and burn. He noted there were multiple types of extinguishing agents which would be appropriate.

Discussion ensued regarding enforcement of an extinguishing agent requirement.

Council Member Parks stated in a lawsuit having this Ordinance in place would be a good idea. He stated it was basically common sense to have a hose out or a bucket of water available in case of a burn or fire. He stated in the past it was the bottle rockets which caused trouble; these were no longer legal in Broken Arrow.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to deny Ordinance No. 3733 and keep the Ordinance as it currently was written

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

No action was taken regarding this Item; none was required.

12. Remarks and Inquiries by Governing Body Members

Mayor Wimpee stated there were many events happening this weekend: Rooster Day Parade on Friday at 4:00 p.m., an event for Broken Arrow Alumni at 7:00 p.m. on Friday night at the Broken Arrow Brewing Company; and Rooster Days over the weekend. She stated she would love residents to come out and line the streets to welcome the Gold Star Families into Broken Arrow for the Mission 22 War at Home Memorial. She reported the Gold Star Families would leave from Stony Creek up to Lynn Lane, down to Mason Drive, and over to Veteran's Park. She invited all to come out and line the streets around 9:30 a.m.; the Mission 22 War at Home Memorial dedication would be at 10:00 a.m. She reported Saturday there was Rooster Days, the War at Home Memorial dedication, Pioneer Dinner, a Fish Fry at the Elks Lodge, and the Farmers Market.

Council Member Ford stated she attended the Employee Picnic. She stated the Picnic was excellent. She thanked the Picnic Committee.

Mayor Wimpee stated Broken Arrow was voted one of the Top 12 Most Patriotic Cities in Oklahoma by the Purple Heart Association.

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

City Manager Spurgeon stated this would be a busy weekend and he was looking forward to it. He stated last week a Council Member contacted himself about surplus property the turnpike had up for public auction, near the Gate on 51st, which was within the City of Broken Arrow. He described where the property was located and noted there was no sewer or water to this property. He stated there was private interest in the property, and if it were acquired, he believed an investor would come forward and ask the City to cost participate in helping bring infrastructure to this property.

Council Member Parks asked if the property was in Water District 4.

City Manager Spurgeon responded in the affirmative. He stated on June 29th, he had a meeting scheduled with several Staff Members and the group who had concerns regarding the Bells Amusement Park Project. He stated at this point, the City had been in communications with Seaside, and Seaside had not advanced. He stated he did not wish to go to this meeting and answer questions regarding hypothetical situations; however, he did wish to go and hear the concerns of the people. He stated he would give City Council an update following the meeting.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 8:30 p.m.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee


Mayor


City Clerk

