



City of Broken Arrow
Meeting Agenda
Broken Arrow City Council

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

Tuesday, September 17, 2024

6:30 PM

Council Chambers
220 South 1st Street
Broken Arrow, OK

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [24-1258](#) Acknowledgement of travel by City Council Members
- B. [24-84](#) Approval of the City Council Meeting Minutes of August 20, 2024
- C. [24-1257](#) Approval of the Special City Council Meeting Minutes of August 20, 2024
- D. [24-1266](#) Acceptance Planning Commission meeting minutes of August 8, 2024
- E. [24-1260](#) Approval of and authorization to execute Budget Amendment Number 7 for Fiscal Year 2025
- F. [24-1275](#) Approval of and authorization to execute Budget Amendment Number 8 for Fiscal Year 2025
- G. [24-1242](#) Approval of and authorization to declare certain City owned vehicles and equipment as surplus and authorize the sale of those items at an online public auction
- H. [24-1163](#) Approval of and authorization to execute Resolution No. 1601, a Resolution of Necessity to Condemn Property located at 12104 S 145th E Ave, Broken Arrow, OK 74011, located in Section 4, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the Aspen, Tucson to Shreveport Roadway Improvements, Parcel 13.0 (Project No. ST2031)

- I. [24-1246](#) Approval of and authorization to execute Resolution No. 1602, a Resolution of Necessity to Condemn Property located at southwest corner of Elm Place and Albany Street, Broken Arrow, Oklahoma, located in Section 3, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the Stone Ridge Stormwater Detention, Parcel 1.0 (Project No. SW1910)
- J. [24-1261](#) Approval of and authorization to execute an engagement letter with Arledge & Associates, PC for fiscal year ending June 2024
- K. [24-1273](#) Approval of and authorization to execute an Interlocal Agreement between the County of Wagoner, Oklahoma and the City of Broken Arrow, Oklahoma concerning County Road and Bridge Maintenance and Repair
- L. [24-1176](#) Approval of and authorization to renew Datto Backupify storage agreement
- M. [24-1233](#) Approval of and authorization to execute Agreement for Professional Consulting Services with Garver, for the study of NEEDA (North Elm Economic Development Area) Regional Pond (Project No. SW25020)
- N. [24-1224](#) Approval of and authorization to execute a Promotional License between Ice Challenge Enterprises, LLC and the City of Broken Arrow for the installation and operation of an outdoor holiday ice rink at the Rose District Pavilion
- O. [24-1217](#) Approval of and authorization to execute Amendment Number 2 to the Agreement for Professional Consultant Services with Poe & Associates, Inc. (Project Number ST2028)
- P. [24-1220](#) Approval of and authorization to execute a Tenth Amendment to the Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon
- Q. [24-1033](#) Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than \$50,000
- R. [24-1262](#) Approval of and authorization to purchase Dell equipment for the Real-Time Information Center
- S. [24-1251](#) Approval of and authorization to purchase mobile communication radios for the police department from L3 Harris Technologies Inc
- T. [24-1180](#) Approval of and authorization to purchase annual maintenance for our city wireless network components through Park Place Technologies
- U. [24-1181](#) Approval of and authorization to purchase annual maintenance for stand-alone Rack Mount servers through Park Place Technologies

- V. [24-1209](#) Approval of and authorization to reject all bids for Bid 25.104 for Traffic Signals as it is not in the best interest of the City of Broken Arrow
- W. [24-1127](#) Award the most advantageous bid to Intellectix and authorize execution of a service agreement for transcription of meeting minutes
- X. [24-1263](#) Award the most advantageous bid to Morgan Service Company LLC, DBA Morgan Towing and approve and authorize execution of a contract for wrecker services
- Y. [24-1270](#) Award the most advantageous bid for gasoline and diesel to Offen Petroleum LLC, with the exception of the optional items; The optional items, including portable diesel and unleaded fuel tanks with fuel award the most advantageous bid to Fleet Fuels LLC
- Z. [24-1007](#) Approval of nomination and re-appointment of Ben Buie to the Visit Broken Arrow (VBA) Board with a term expiring September 30, 2026
- AA. [24-1004](#) Approval of nomination and re-appointment of Craig Hagin to the Visit Broken Arrow (VBA) Board with a term expiring September 30, 2026
- AB. [24-964](#) Approval of nomination and re-appointment of Sonja Schneider to the Visit Broken Arrow (VBA) Board with a term expiring September 30, 2026
- AC. [24-1271](#) Approval of a variance to section 6.3.c.1 of the subdivision regulations, Ven Park, A-1 (Agriculture) and R-2 (Single-Family Residential) to CM Community Mixed-Use via BAZ-001624-2024, 10.9 acres, Level 2 and 3 to Level 3 via COMP-001531-2024, located one-quarter mile north of Kenosha Street (East 71st Street South) and one-quarter mile east of North Elm Place (North 161st East Avenue)
- AD. [24-1272](#) Approval of PR-000124-2022|PT-001638-2024, conditional final plat, Ironwood, 21.7988 acres, 77 Lots, PUD-453/RS-4 and RD, located west of the southwest corner of Omaha Street (51st Street) and Elm Avenue (161st East Avenue)
- AE. [24-1231](#) Approval of and authorization to execute Change Order No. 1 with Allwine Roofing for the Streets and Stormwater Roof Replacement (185317)
- AF. [24-1248](#) Approval of and authorization to execute Change Order No. 1 with R&L Construction, LLC for the Wolf Creek Drainage Improvements (2453170)
- AG. [24-1247](#) Approval of and authorization to execute Change Order No. 1 with Tri-Star Construction, LLC on Construction Contract No. ST24010; Iola Street Rehabilitation from Elm Place to North 1st Street
- AH. [24-1228](#) Approval of and authorization to execute Change Order No. 4 with VOY Construction for the Elam Park Phase 1 Project (196031)
- AI. [24-1239](#) Ratification of the Claims List Check Register Dated September 09, 2024

6. Consideration of Items Removed from Consent Agenda

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

- A. [24-1255](#) Approval of and authorization to execute a Proclamation declaring the week of September 17-23, 2024, as Constitution Week
- B. [24-1235](#) Presentation updating the Council on the status of the Uber Rideshare Program

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)

9. General Council Business

- A. [24-1254](#) Consideration, discussion, and possible approval of and authorization to execute Resolution 1603, a Resolution fixing the amount of General Obligation Bonds, Series 2024 to mature each year; fixing the time and place the bonds are to be sold; designating a Paying Agent/Registrar and Disclosure Counsel; approving the Preliminary Official Statement and distribution thereof; and authorizing the Clerk to give notice of said sale as required by law and fixing other details of the issue
- B. [24-1202](#) Consideration, discussion and possible approval of and authorization to execute Resolution No. 1605, a resolution of the City of Broken Arrow, Oklahoma (the "City") approving the incurrence of indebtedness by the Broken Arrow Municipal Authority (the "Authority") issuing its Promissory Note, Series 2024 (the "note"); providing that the organizational document creating the authority is subject to the provisions of the Indenture authorizing the issuance of said Note; waiving competitive bidding with respect to the sale of said Note and approving the proceedings of the authority pertaining to the sale of said Note; approving and authorizing execution of an Agreement of Support; and containing other provisions relating thereto
- C. [24-1232](#) Consideration, discussion, and possible award of the lowest responsible bid to Cherokee Pride Construction, Inc., and approval and authorization to execute a construction contract for the Arrow Forge - Innovation District Improvements (Project No. 2352100)
- D. [24-1267](#) Consideration, discussion and possible approval of and authorization to execute Agreement for Professional Consulting Services with Kimley-Horn and Associates, Inc for providing professional traffic engineering and related support services (2452140)
- E. [24-1253](#) Consideration, discussion, and possible approval of and authorization for the City Manager to execute a grant agreement for the City of Broken Arrow's participation in the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Transportation Discretionary Grant Program with respect to the Reconnecting Broken Arrow: Planning for Multimodal Improvements Project

- F. [24-1225](#) Consideration, discussion, and possible acceptance of the Federal Emergency Management Agency (FEMA) Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant that will fund the salaries and benefits of twelve (12) new firefighter positions for a period of three (3) years
- G. [24-1274](#) Consideration, discussion, and possible action of the Federal Transit Administration (FTA) Section 5310 grant funding distributed through Indian Nation Council of Governments (INCOG) and approval of phase 2 of the micro-transit pilot program
- H. [24-1265](#) Consideration, discussion, and possible action regarding BAZ-001459-2024 (Rezoning), Broken Arrow West, approximately 109.55 acres, A-1 (Agricultural) to RS-2 (Single Family Residential) located west of 193rd E Ave/ County Line Rd (23rd Street), and one-eighth mile south of Jasper Street (131st Street)
- I. [24-1154](#) Consideration, discussion, and possible approval of PUD-001634-2024 & BAZ-001472-2024 (Planned Unit Development & Rezoning), Oak Crossing, 39.36 acres, R-2 (Single-Family Residential) to RS-4 (Single-Family Residential), located approximately one quarter mile south of Houston Street (81st Street), and east of 23rd Street (193rd Avenue/County Line Road)
- J. [24-1264](#) Consideration, discussion, and possible action regarding BAZ-001334-2024 (Rezoning) and SP-001335-2024 (Specific Use Permit), Floral Haven Expansion, 27 acres, A-1 (Agriculture) and R-1 (Single Family Residential) to A-1 (Agriculture)/SP-001335-2024, north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue)

10. Preview Ordinances - NONE

11. Ordinances

- A. [24-1182](#) Consideration, discussion, and possible adoption of Ordinance No. 3844, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-001008-2023, generally located one-third mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), granting CG (Commercial General) and CN (Commercial Neighborhood)/SP-000408-2022 zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. [24-1183](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3844

- C. [24-1221](#) Consideration, discussion, and possible adoption of Ordinance No. 3845, an ordinance amending the Broken Arrow Code of Ordinances Chapter 12, Garbage and other refuse, Article I in General, Section 12-1 Definitions; specifically amending employee title; Section 12-3 Right to engage in business of collecting, hauling, etc.; license, requiring the annual reporting of solid waste and recycling weights; Section 12-5 Inspection of collection vehicles, adding city discretion; Section 12-9 Curbside collection of recyclable materials; license required, etc. amending to allow flexibility of fees and deleting repetitive language; Article II Collection by City, Section 12-21 Duty to request and use service, updating language and removing exception; Section 12-22 Container specifications, updating to reflect current practices; Section 12-23 Location of containers and set out times, updating language and reflecting current practices; Section 12-24 Frequency of collections; rules and regulations, updating language; Section 12-25 Charges generally; minimum rate charge; monthly rates of residential customers, updating language and reflecting current practices and Section 12-26 Charges for improper disposal of hypodermic syringes, needles, and other such objects, deleting section for policy reasons; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. [24-1222](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3845

12. Remarks and Inquiries by Governing Body Members

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

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

- 1. Litigation, involving a pending eminent domain proceeding, asserted by the City of Broken Arrow against Northstar Cemetery Services of Oklahoma, LLC and Northstar Funeral Services of Oklahoma, LLC, Tulsa Co. CJ-2022-3939 and taking appropriate action in open session, including possible authorization to settle the proceeding, 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 litigation and disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

15. Adjournment

NOTICE:

If you wish to speak at this evening’s meeting, please fill out a “Request to Speak” form. The forms are available from the City Clerk’s table or at the entrance door. Please turn in your form prior to the start of the meeting. Topics are limited to items on the currently posted agenda, or relevant business.

All cell phones and pagers must be turned OFF or operated SILENTLY during meetings.

Exhibits, petitions, pictures, etc., shall be received and deposited in case files to be kept at the Broken Arrow City Hall. If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

21 O.S. Section 280 provides the following:

A. It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business or the business of any political subdivision, which includes publicly posted meetings, or any agency operations or any employee, agent, official or representative of the state or political subdivision.

B. It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials or any political subdivision or its employees, agents or representatives or used in any manner to conduct state business or any political subdivision’s business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel.

C. Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

D. For purposes of this section, “disturb, interfere or disrupt” means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

A paper copy of this agenda is available upon request.

POSTED this ____ day of _____, _____, at _____ a.m./p.m.

City Clerk