



**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*

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**Tuesday, May 21, 2024**

**6:30 PM**

**Council Chambers**  
**220 South 1st Street**  
**Broken Arrow, OK**

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**1. Call to Order**

**2. Invocation**

**3. Roll Call**

**4. Pledge of Allegiance to the Flag**

**5. Consideration of Consent Agenda**

- A.     [24-456](#)           Acknowledgement of out-of-state travel by City Council Members
- B.     [24-76](#)           Approval of the City Council Meeting Minutes of May 7, 2024
- C.     [24-656](#)          Acceptance Planning Commission meeting minutes of March 14, 2024
- D.     [24-657](#)          Acceptance Planning Commission meeting minutes of March 28, 2024
- E.     [24-658](#)          Acceptance Planning Commission meeting minutes of April 11, 2024
- F.     [24-660](#)          Acceptance Planning Commission meeting minutes of April 25, 2024
- G.     [24-679](#)          Approval of and authorization to submit a letter to Sunset at Broken Arrow LLC committing to additional parking spaces
- H.     [24-441](#)          Approval of and authorization to execute Agreement for Professional Consultant Services with BKL, Inc. for providing design services on the 111st Street and 37th Street Intersection project (Project Number ST24280)
- I.     [24-659](#)          Approval of and authorization to execute a lease agreement for Copier Services with JD Young

- J.**     [24-667](#)     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.**     [24-653](#)     Notification of Quarterly Enterprise Resource Planning (ERP) Systems Status Report for City Council
- L.**     [24-654](#)     Approval of and authorization to purchase the Commvault Enterprise Solution through SHI, pursuant to the Oklahoma State Master Agreement
- M.**     [24-685](#)     Award the most advantageous bid to Professional Turf Products to purchase one (1) Used 2018 Toro GM4500 Rotary Mower
- N.**     [24-670](#)     Approval of and authorization to execute Amendment Number 1 to Professional Consultant Agreement with Kimley-Horn and Associates, Inc. for Residential Streets Concrete Panel Replacement (Project Number 2352120)
- O.**     [24-506](#)     Approval of and authorization to execute Resolution No. 1572, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 8.0, which consists of 0.0543 acres of permanent Right-of-Way for the Broken Arrow Gateway Signs, located at the Southeast corner of Olive Avenue and Albany Street, Broken Arrow, Oklahoma in the Northwest Quarter of Section 4, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from AG Equipment Company for the Broken Arrow Gateway Signs, Parcel 8.0. (Project No. 201710)
- P.**     [24-498](#)     Approval of and authorization to execute Resolution No. 1577, a Resolution declaring the eligibility of the City of Broken Arrow to submit an application to the Oklahoma Department of Transportation for use of Transportation Alternatives Program Funds set forth by the Infrastructure Investment and Jobs Act (IIJA) for the New Orleans Street Shared-Use Path Project in Broken Arrow and authorizing the Mayor to sign the application
- Q.**     [24-674](#)     Ratification, approval of and authorization to execute Resolution No. 1580, a Resolution of the Broken Arrow City Council ratifying, approving and authorizing the filing and execution of a Plat and Deed Of Dedication involving land described as Lot One, Block One, conditional plat of Sunset Amphitheatre, a part of the NW/4 of Section 20, Township 18 North, Range 15 East of the Indian Base and Meridian, Broken Arrow, OK and approve and authorize extension of closing date for the property transaction to on or before May 24, 2024

- R.**     [24-662](#)     Approval of BAZ-001411-2024 (Rezoning), Luth Residence, approximately 9.63 acres, A-1 (Agricultural) to RS-4 (Single Family Residential) located one quarter mile east of South Lynn Lane Road (South 177th East Avenue), and south of West Florence Street (East 111th Street South)
- S.**     [24-649](#)     Acceptance of Drainage Easement and Temporary Construction Easement from Leonard E. and Deanna S. Villalon on property located at 46 Cedar Ridge Road, Broken Arrow, Oklahoma 74012, located in the Northeast Quarter of the Section 30, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 2.0, 2A, for Cedar Ridge Drainage Improvements. Project No. SW22050
- T.**     [24-566](#)     Acceptance of a Mutual Access Easement from The Board of Education of Independent School District No. 3, Tulsa County, also known as Broken Arrow Public Schools, located at 4300 East Gary Street, Broken Arrow, Oklahoma, 74014, located in the Northwest Quarter of Section 20, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma. This easement is for the East Side Industrial Access Road, Project No. ST23230
- U.**     [24-499](#)     Acceptance of Temporary Construction Easement for Tract 5, from Wade Revocable Trust, on property located at 6529 South 209th East Avenue, Broken Arrow, Oklahoma in the Northwest Quarter of Section 5, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the 37th Street, Albany to Kenosha Roadway Improvements, Tract 5 (Project No. ST1413A)
- V.**     [24-640](#)     Acceptance of Temporary Construction Easement for Tract 6, from Jack Helscel, on property located at 6131 South 209th East Avenue, Broken Arrow, Oklahoma in the Northwest Quarter of Section 5, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the 37th Street, Albany to Kenosha Roadway Improvements, Tract 6. (Project No. ST1413A)
- W.**     [24-641](#)     Acceptance of a Utility Easement consisting of 0.0259 acres from Lakeland Real Estate, LLC, on property located at 119 East Canton Street, Broken Arrow, Oklahoma, located in part of the Northwest Quarter of Section 23, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Broken Arrow Creek Trail 8" Waterline Improvements, (Project No. WL23040)

- X.     [24-643](#)     Acceptance of Utility Easement consisting of 0.0093 acres from Daniel G. Jara on property located at 3606 South 201st East Avenue, Broken Arrow, Oklahoma in the Southeast Quarter of Section 19, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma for Green Country Sewer Relocation, Parcel 1.0
- Y.     [24-644](#)     Acceptance of Utility Easement from Sood Realty, LLC, on property located at 20105 East 36th Place, Broken Arrow, Oklahoma in the Southeast Quarter of Section 19, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma for Green Country Sewer Relocation, Parcel 2.0
- Z.     [24-645](#)     Acceptance of Utility Easement from Hortencia Portillo, on property located at 20115 East 36th Place, Broken Arrow, Oklahoma in the Southeast Quarter of Section 19, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma for Green Country Sewer Relocation, Parcel 3.0
- AA.    [24-650](#)     Ratification of the Claims List Check Register Dated May 13, 2024

**6. Consideration of Items Removed from Consent Agenda**

**7. Public Hearings, Appeals, Presentations, Recognitions, Awards - NONE**

**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.     [24-661](#)     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)
- B.     [24-655](#)     Consideration, discussion, and possible action regarding COMP-001404-2024 (Comprehensive Plan Change), Villas at Battle Creek, 23 acres, Levels 2, 4, and 6 to Levels 3 and 4, generally located south and east of the southeast corner of Omaha Street (51st Street) and Aspen Avenue (145th East Avenue)
- C.     [24-539](#)     Consideration, discussion and possible approval of and authorization to accept the Guaranteed Maximum Price (GMP) from Crossland Heavy Contractors Inc. for the construction of for the Events Park Infrastructure Project (Project No. 2417210)

- D. [24-673](#) Consideration, discussion, and possible approval of and authorization to execute a Professional Consultant Agreement with GH2 Architects, LLC. for the design of a New Broken Arrow North Fire Station (Project No. 2435170)
- E. [24-682](#) Consideration, discussion and possible approval of Resolution No. 1582, a Resolution approving the incurrence of indebtedness by the Broken Arrow Economic Development Authority (the “Authority”) issuing its Promissory Note(s) , Series 2024 in one or more series or subseries (collectively, the “Notes”); providing that the organizational document creating the Authority is subject to the provisions of the Indenture authorizing the issuance of said Notes; waiving competitive bidding with respect to the sale of said Notes and approving the proceedings of the Authority pertaining to the sale of said Notes; approving and authorizing execution of an Agreement of Support; and containing other provisions relating thereto
- F. [24-684](#) Consideration, discussion, and possible direction regarding Broken Arrow Code of Ordinances, Chapter 10 Fire Prevention and Protection, Article I - In General; Section 10-3 - Manufacture, sale, use, etc. of fireworks, including revising the fireworks permit fee

## **10. Preview Ordinances**

- A. [24-558](#) Consideration, discussion, and possible preview of 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

## **11. Ordinances**

- A. [24-665](#) Consideration, discussion, and possible adoption of Ordinance No. 3830, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2069, generally located one-eighth mile north of Kenosha Street (71st Street), one-quarter mile east of 65th Street (241st E. Avenue/Oneta Road), granting RS-3 zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. [24-666](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3830

**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**

**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 and conferring on matters pertaining to:**

**1.Litigation, including potential resolution, of a matter involving of City of Broken Arrow v Contech Inc. et al, Tulsa County District Court Case Number CJ-2017-00295, and taking appropriate action in open session, including possible authorization to settle this tort claim, 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