



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, February 20, 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. [24-277](#) Acknowledgement of upcoming out-of-state travel by City Council members
- B. [24-67](#) Approval of the City Council Meeting Minutes of February 6, 2024
- C. [24-222](#) Acceptance of Planning Commission meeting minutes of January 25, 2024
- D. [24-232](#) Approval of Drainage Advisory Committee meeting minutes of November 27, 2023
- E. [24-284](#) Acknowledgement of submittal of the Financial Statements for General Fund, Police and Fire Funds and Visit BA for December 2023
- F. [24-278](#) Notification of Quarterly Enterprise Resource Planning (ERP) Systems Status Report for City Council
- G. [24-280](#) Notification of City Manager Approval of the Updates to the City of Broken Arrow Standard Construction Specifications and Details
- H. [24-279](#) Approval of specific projects to be funded from American Rescue Plan Act (ARPA) Funds and approval of an intra-fund transfer to fund the projects

- I. [24-291](#) Approval of and authorization to execute Resolution No. 1558-corrected authorizing the submission of an application under the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act to the Oklahoma Department of Commerce

- J. [24-253](#) Approval of and authorization to execute a new License Agreement with Harvest Church, Broken Arrow, Inc. on property located west of S. Main Street and one-eighth mile north of Washington St. (E 91st St.) Tulsa County, State of Oklahoma (Section 14, T18N, R14E)

- K. [24-261](#) Approval of and authorization to execute Second Amendment to Economic Development Agreement by and among Sunset at Broken Arrow, LLC, and the Broken Arrow Economic Development Authority and the City of Broken Arrow

- L. [24-244](#) Approval of and authorization to execute a Memorandum Inter-Local Cooperation Agreement between Wagoner County and the City of Broken Arrow concerning provision of first response law enforcement services for Park Lane School

- M. [24-276](#) Approval of and authorization to execute a letter supporting the Wagoner County application for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Transportation Discretionary Grant Program with respect to the Advancing Safety, Mobility, Connectivity, Resiliency, and Economic Competitiveness through State and Local Partnerships Project

- N. [24-246](#) Approval of and authorization to execute the purchase of Spectra Logic BlackPearl Network Attached Storage in support of the police department's digital crime lab upgrade project pursuant to a quote received from SHI, through the Sourcewell Cooperative Purchasing contract, Contract #: 081419-SHI, City membership #67325

- O. [24-282](#) Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 Go Bond, Proposition 6 funds for retaining an engineering consultant to design a set of construction plans to mitigate erosion along Adams Creek adjacent to the Preserve Park Regional Detention Pond (Case No. 24-002)

- P. [24-264](#) Approval of and authorization to execute Change Order No. 5 with Becco Contractors, Inc., for Oklahoma Department of Transportation project # STP-272F(367)IG, JP# 33955(04) (City of Broken Arrow project # ST1411, Albany Street Widening from 9th Street to 23rd Street)

- Q. [24-281](#) Approval of and authorization to adopt an update to the City of Broken Arrow's Engineering Design Criteria Manual (EDCM)

- R. [24-265](#) Approval of a modification to Section 4.1(n) of the Land Subdivision Code for 4288 S 9th Street, approximately 10 acres, 1 lot, A-1 (Agricultural), one-half mile south of New Orleans Street (101st Street), west of 9th Street (Lynn Lane Road) at 4288 S 9th Street (Lynn Lane Road)

- S. [24-255](#) Approval of a waiver of Section 16.12 (Disturbing the peace, disorderly conduct) of the Codes of Ordinances at 500 N. Poplar to begin Friday 2-23-24 at 24:00 for a period of 48 hours

- T. [24-270](#) Approval of PUD-001249-2023 (Planned Unit Development), Midway Cottages, approximately 0.18 acres, DROD Area 2 / R-3 (Downtown Residential Overlay District Area 2 / Residential Single-Family 3) / PUD-001249-2023 (Planned Unit Development), located approximately one-eighth mile south of Kenosha St (71st Street) and one-third mile west of 9th Street (177th Avenue/Lynn Lane Road)

- U. [24-236](#) Acceptance of a Utility Easement consisting of 1.12 acres and Temporary Construction Easements consisting of 0.37 acres from the City of Broken Arrow, on property located at 21101 East 101st Street South, Broken Arrow, Oklahoma, located in part of the Southwest Quarter of Section 20, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Wagoner County Trunk Sewer Improvements, Parcel 1, 1.1, 1.2, 1.3 (Project No. S.22020)

- V. [24-237](#) Acceptance of a Utility Easement consisting of 0.90 acres and Temporary Construction Easements consisting of 0.61 acres from the City of Broken Arrow, on property located at 21101 East 101st Street South, Broken Arrow, Oklahoma, located in part of the Southwest Quarter of Section 20, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Wagoner County Trunk Line Phase I Rehabilitation, Parcel 2, 2.1, 2.2 (Project No. S.22020)

- W. [24-238](#) Acceptance of a Utility Easement consisting of 0.56 acres from the Independent School District #3 of Tulsa County, Oklahoma, aka/Broken Arrow Public Schools, on property located at 4300 East Gary Street, Broken Arrow, Oklahoma, located in part of the Northwest Quarter of Section 20, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Wagoner County Trunk Line Phase I Rehabilitation, Parcel 3 (Project No. S.22020)

- X. [24-235](#) Acceptance of a Utility Easement consisting of 0.24 acres from D & B Processing, LLC, on property generally located at 4600 East Gary Street, Broken Arrow, Oklahoma, located in part of the Northeast Quarter of Section 20, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Wagoner County Trunk Line Phase I Rehabilitation, Parcel 4.0 (Project No. S.22020)

- Y. [24-239](#) Acceptance of a Utility Easement consisting of 0.0723 acres from Mark Taylor and Selena Schlosser on property located at 10128 South 137th East Avenue, Broken Arrow, Oklahoma, located in part of the Northeast Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, for the 137th East Avenue Waterline Loop, Parcel 2 (Project No. WL21010)
- Z. [24-266](#) Acceptance of a Waterline Easement from Gateway Foundation, Inc. on property located one-half mile north of Houston Street (81st Street), and one-half mile east of 9th Street (Lynn Lane Road), Tulsa County, State of Oklahoma, (Section 12, T18N, R14E) (EASE-001324-2024)
- AA. [24-256](#) Ratification of the Claims List Check Register Dated February 12, 2024

6. Consideration of Items Removed from Consent Agenda

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

- A. [24-217](#) Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring February 22, 2024 as Supermarket Employee Day

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. [24-254](#) Consideration, discussion, and possible approval of a list of the City of Broken Arrow's priorities to present to Oklahoma members of Congress at National League of Cities Advocacy on Capitol Hill Day on March 13, 2024, in Washington, D.C.
- B. [24-287](#) Consideration, discussion, and possible approval of and authorization to execute a Professional Consultant Agreement with Jacobs Engineering Group Inc. for the Future Bond Program Planning Project and approve Budget Amendment No. 20
- C. [24-249](#) Consideration, discussion, and possible appointment of two City Council members to serve on the re-engaged New Orleans Square Advisory Committee

10. Preview Ordinances-NONE

11. Ordinances

- A. [24-267](#) Consideration, discussion, and possible adoption of Ordinance No. 3823, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1643, along with SP-001224-2023 generally located north of the northwest corner of County Line (South 193rd East Avenue), and East Albany Street (East 61st Street), granting CG (Commercial General) zoning classification upon the tract along with SP-001224-2023, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. [24-268](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3823
- C. [24-283](#) Consideration, discussion and possible adoption of Ordinance No. 3824, an ordinance amending the Broken Arrow Code of Ordinances, Chapter 16 - offenses - miscellaneous, Article I - in general; adding section 16-12 (8) noises between the hours of 10:00 p.m. and 11:00 p.m. Sunday through Thursday for the Broken Arrow Events park and adjacent amphitheater shall not be deemed violations of the disturbing the peace ordinance and shall not be deemed a violation of this section; Enforcement of the subsection shall be initiated by citizen complaint; Repealing all ordinances to the contrary; Implementing and declaring an emergency
- D. [24-273](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3824

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, 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).;

2. Litigation, including potential resolution of claims, litigation and potential settlement of 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 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