



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 5, 2023

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. [23-52](#) Approval of the City Council Meeting Minutes of August 15, 2023
- B. [23-1127](#) Approval of the Broken Arrow City Council Special Meeting Minutes of August 15, 2023
- C. [23-1080](#) Acceptance of Planning Commission meeting minutes of July 13, 2023
- D. [23-1081](#) Acceptance of Planning Commission meeting minutes of July 27, 2023
- E. [23-1134](#) Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 GO Bonds, Proposition 6 funds to clear vegetation and mitigate the exposed utilities and erosion prone areas of the stormwater channel north of Park Grove Cemetery (Case No. 23-003)
- F. [23-1135](#) Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 GO Bonds, Proposition 6 funds for installation of a drainage system under the sidewalk along W Fargo Dr (Case No. 23-002)
- G. [23-1163](#) Approval of and authorization to execute Resolution No. 1544, a Resolution approving signatures for the City of Broken Arrow at Bank of Oklahoma

- H. [23-1101](#) Approval of and authorization to execute a Billing Services Agreement between Digitech Computer, LLC, and the City of Broken Arrow for EMS billing services
- I. [23-1151](#) 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
- J. [23-1162](#) Approval and authorization of updated Exhibit A to First Amendment to Ground Lease between the City of Broken Arrow Economic Development Authority and Stoney Creek Investors of Broken Arrow, LLC
- K. [23-1160](#) Approval of and authorization to execute a contract with Tulsa County for Provision of Public Improvements for the Federal Program Year 2023 Community Development Block Grant (CDBG) Program
- L. [23-1152](#) Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association, Incorporated
- M. [23-1145](#) 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
- N. [23-1154](#) Approval of and authorization to execute Change Order No. 1 with Sherwood Construction Co, Inc., for Oklahoma Department of Transportation Project No. STP-172N(455)IG, (City of Broken Arrow Project No. ST0914 - 23rd Street Improvements from Houston Street to Kenosha Street)
- O. [23-1155](#) Notification of City Manager's execution of Change Orders on Public Construction Contracts as authorized per Resolution No. 1439
- P. [23-1133](#) Approval of and authorization to fund the second year of CentralSquare's Public Safety Pro Suite renewal order
- Q. [23-1148](#) Approval of and authorization to purchase of (1) Used Transit T-350 2020 passenger van with ADA package configured with passenger side mounted lift, from National Auto Fleet Group pursuant to the Sourcewell Cooperative Purchasing contract (formerly NJPA)
- R. [23-1102](#) Approval of and authorization to purchase Taser Conductive Electrical Weapons with accessories from Axon Enterprise f/k/a Taser International, a sole source vendor, for the Police Department

- S. [23-1138](#) Award the most advantageous bid to 5th Gear Cycles for the purchase of two (2) BMW motorcycles for the Police Department traffic division
- T. [23-1146](#) Approval of and authorization to issue a 15-day extension to award bids for good cause for the Community Center Roof Replacement Project (Project Number 216002)
- U. [23-1147](#) Approval of and authorization to issue a 15-day extension to award bids for good cause for the Streets and Stormwater Roof Replacement Project (Project Number 185317)
- V. [23-1139](#) Ratification of the Claims List Check Register Dated August 28, 2023

6. Consideration of Items Removed from Consent Agenda

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

- A. [23-1100](#) Approval of and authorization to execute a Proclamation declaring the week of September 17-23, 2023, as Constitution Week
- B. [23-1120](#) Presentation by Youth on Guard
- C. [23-1110](#) Presentation from the Oklahoma Turnpike Authority on recent project updates
- D. [23-1027](#) Presentation of post-event update for the 2023 Rooster Days Festival

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. [23-1124](#) Consideration, discussion, and possible award of the lowest responsible bid to Ground Level, LLC and approve the execution of a construction contract for the Park on Florence 2nd Detention Pond Improvements project (SW1922)
- B. [23-1156](#) Approval of BAZ-000924-2023 (Rezoning), Bowden Rezoning, 3.33 acres, A-RE(Annexed - Residential Estate) to CG (Commercial General), located on the southeast corner of East New Orleans Street (East 101st Street South), and South Lynn Lane Road (South 177th East Avenue/North 9th Street)

10. Preview Ordinances

- A. [23-1067](#) Consideration, discussion, and possible preview of an Ordinance closing a Drainage Easement on property located one-quarter mile south of Dearborn Street (East 41st Street), one-quarter mile east of Aspen Avenue (145th East Avenue), Tulsa County, State of Oklahoma, (Section 27, T19N, R14E), repealing all ordinances to the contrary; and declaring an emergency (EASE-000843-2023), and declaring an emergency

11. Ordinances

- A. [23-1085](#) Consideration, discussion, and possible adoption of Ordinance No. 3803, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2024, along with PUD-288 generally located west of the northwest corner of Aspen Avenue (145th East Avenue) and Florence Street (111th Street), granting RS-4 (Single-Family Residential) zoning classification upon the tract along with PUD-288, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. [23-1086](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3803
- C. [23-1088](#) Consideration, discussion, and possible adoption of an Ordinance No. 3804 closing a Temporary Turn-Around Easement on property located one-quarter mile south of Dearborn Street (East 41st Street), one-quarter mile east of Aspen Avenue (145th East Avenue), Tulsa County, State of Oklahoma, (Section 27, T19N, R14E), and repealing all ordinances to the contrary
- D. [23-1089](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3804
- E. [23-1091](#) Consideration, discussion, and possible adoption of Ordinance No. 3805, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2074, generally west of the northwest corner of Washington Street (91st Street) and 23rd Street (193rd East Avenue/County Line Road), granting RS-4 (Single-Family Residential) zoning classification upon the tract, and repealing all ordinances or parts of ordinances in conflict herewith
- F. [23-1092](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3805
- G. [23-1114](#) Consideration, discussion, and possible adoption of Ordinance No. 3806, an amendment to Broken Arrow Code of Ordinances Section 23-147, Spaces reserved for physically disabled persons; repealing all ordinances to the contrary and declaring an emergency

- H. [23-1115](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3806

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, conferring on matters and possible action in open session pertaining to:

- 1. Discussing the employment of the City Manager, Michael L. Spurgeon, and specifically to permit the City Council to conduct the annual evaluation as provided for in the City Manager’s Employment Agreement as amended and taking appropriate action in open session regarding his employment and contract as allowed for under 25 O.S. § 307(B)(1).**
- 2. A pending litigation known as Mallory Krajian v. Eric Bentz, et al., Northern District of Oklahoma Case No. 19-cv-685-WPJ-CDL, including potential authorization to settle the claims, 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 evaluation and claim and disclosure will seriously impair the ability of the public body to process the proceeding in the public interest. Moreover, that the Executive Session is necessary to protect the confidentiality of the employee evaluation as allowed by the Open Meeting Act. 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