



**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, March 19, 2024**

**6:30 PM**

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

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**AMENDED AGENDA**

**1. Call to Order**

**2. Invocation**

**3. Roll Call**

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

**5. Consideration of Consent Agenda**

- A.     [24-71](#)           Approval of the City Council Meeting Minutes of March 5, 2024
- B.     [24-386](#)       Acceptance of Planning Commission meeting minutes of February 8, 2024
- C.     [24-380](#)       Approval of and authorization to execute all required documents included in the Tulsa County Urban County Community Development Block Grant (CDBG) Application for Federal Fiscal Year 2024 (FFY2024) Funds and approve and authorize execution of Resolution No. 1564
- D.     [24-263](#)       Approval of and authorization to execute a Proclamation declaring the week of March 25, 2024 Arbor Week
- E.     [24-379](#)       Approval of and authorization to execute an agreement with Paypoint HR to provide deliverables associated with a classification study for all non-uniformed employees
- F.     [24-364](#)       Approval of and authorization to execute a Professional Consultant Agreement with Professional Engineering Consultants, P.A. (PEC, P.A.) for the Construction Design of the Highland Park Rugby Fields (Project No. 2460370)

- G.**     [24-363](#)     Approval of and authorization to execute a Professional Consultant Agreement with Professional Engineering Consultants, P.A. (PEC, P.A.) for the design of construction drawings for Nienhuis Park - Synthetic Turf (Project No. 2460360)
- H.**     [24-357](#)     Approval of and authorization to execute a Memorandum Inter-Local Cooperation Agreement between Wagoner County and the City of Broken Arrow concerning provision of Traffic Enforcement on the roadway of 101st Street South from 209th East Ave. to 225th East Ave. and on 209th East Ave. from 101st Street South to 113th Street South
- I.**     [24-391](#)     Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Volleyball Club for the use of Nienhuis Park Community Center
- J.**     [24-398](#)     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.**     [24-313](#)     Approval of and authorization to purchase a new Jail Video server from Dell to replace the current server
- L.**     [24-405](#)     Approval of and authorization to execute Budget Amendment Number 25 for Fiscal Year 2024
- M.**     [24-397](#)     Award the lowest responsible bid to Cherokee Pride Construction Inc. and approve and authorize the execution of a landscape contract for the Park on Florence 2nd Detention Pond Improvements - Phase II project (SW1922)
- N.**     [24-389](#)     Approval of the nomination and re-appointment of Denise Mason to the Broken Arrow Drainage Advisory Committee with a term expiring March 19, 2028
- O.**     [24-393](#)     Notification of City Manager's issuance of letter of release for utilities service for a proposed development outside the City Limits of Broken Arrow but within the fence line
- P.**     [24-318](#)     Approval of and authorization to execute Change Order #5 with Sherwood Construction Co, Inc., for Oklahoma Department of Transportation project # STP-172N(455)IG, (City of Broken Arrow project # ST0914 - 23rd Street Improvements from Houston Street to Kenosha Street)
- Q.**     [24-399](#)     Approval of BAZ-001285-2024 (Rezoning), Project 111 Rezoning, 2.2 acres, A-1 (Agricultural) to RS-1 (Single-Family Residential), located approximately one-quarter mile south of West Florence Street (East 111th Street South), one-quarter mile west of South Aspen Avenue (South 145th East Avenue)

- R.**     [24-359](#)     Ratification of the acceptance of a Utility Easement consisting of 0.06 acres and a Temporary Construction Easement consisting of 0.03 acres from Aspen Square, Inc., a Oklahoma corporation, on property located at 21848 East Highway 51, 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 Sewer Improvements, Parcel 6.A, 6.1 (Project No. S.22020)
- S.**     [24-385](#)     Acceptance of a Utility Easement from Eagle-1 Investments, LLC, on property located one-eighth mile north of Washington Street (91st Street), one-quarter mile west of 23rd Street (County Line Road), Tulsa County, State of Oklahoma, (Section 13, T18N, R14E) (EASE-001336-2024)
- T.**     [24-388](#)     Acceptance of a Utility Easement from FR Extex, LLC, on property located approximately one-quarter mile east of Elm Place (161st Street) and one-third mile north of Kenosha Street (71st Street), Tulsa County, State of Oklahoma, (Section 02, T18N, R14E)(EASE-001338-2024)
- U.**     [24-321](#)     Acceptance of a Utility Easement from Howard J. Tillinghast, the owners, on property located at 11602 E 64th Street, Broken Arrow, Oklahoma 74012, located in the Northwest Quarter of the Section 5, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 10.0 for the Melinda Park Sanitary Sewer Improvements. Project No. S.23030
- V.**     [24-360](#)     Acceptance of a Utility Easement from Spectrum Property Services, LLC, an Oklahoma limited liability company, the owners, on property located at 11622 E 64th Street, Broken Arrow, Oklahoma 74012, located in the Northwest Quarter of the Section 5, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 14.0 for the Melinda Park Sanitary Sewer Improvements. Project No. S.23030
- W.**     [24-351](#)     Acceptance of a Utility Easement from The Revocable Trust of Steven A & Melissa L Worden on property located at 11826 E 64th Street, Broken Arrow, Oklahoma 74012, located in the Northwest Quarter of the Section 5, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, Parcel 21.0 for the Melinda Park Sanitary Sewer Improvements, Project No. S.23030
- X.**     [24-329](#)     Acceptance of a Utility Easement from William T and Tracy S Osburn, husband and wife, the owners, on property located at 11502 E 64th Street, Broken Arrow, Oklahoma 74012, located in the Northwest Quarter of the Section 5, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, Parcel 4.0 for the Melinda Park Sanitary Sewer Improvements, Project No. S.23030

- Y.     [24-387](#)           Acceptance of a Waterline Easement from Independent School District No. 3, on property approximately one-half mile north of New Orleans Street (101st Street) and east of Elm Place (161st Street), shown as Exhibit A and B (Section 23, T18N, R15E) (EASE-001348-2024)
- Z.     [24-368](#)           Ratification of the Claims List Check Register Dated March 11, 2024

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

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

- A.     [24-378](#)           Presentation by Oklahoma Municipal League and recognition to City employees for reaching twenty-five years of service
- B.     [24-382](#)           Presentation of update on city employee participation in 2024 Leadership Broken Arrow program
- C.     [24-412](#)           Presentation regarding Street Closure Permit for the lane closure of a portion of Aspen Avenue from Lansing Avenue to the 1400 block of Aspen Avenue for natural gas pipe construction

## **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.     [24-341](#)           Consideration, discussion, and possible approval of and authorization to execute Amendment Number 1 to the Agreement for Professional Consulting Services with Poe & Associates, Inc. for the Houston Street Widening from Garnett Road to Olive Avenue (ST2028)

## **10. Preview Ordinances-NONE**

## **11. Ordinances**

- A.     [24-353](#)           Consideration, discussion, and possible adoption of Ordinance No. 3825, an ordinance amending the Broken Arrow Code of Ordinances, Chapter 23 - Traffic; Article IV. - Stopping, standing and parking; Division 1. - Generally; repealing all ordinances to the contrary, and declaring an emergency
- B.     [24-354](#)           Consideration, discussion, and possible approval of an emergency clause for Ordinance 3825
- C.     [24-355](#)           Consideration, discussion, and possible adoption of Ordinance No. 3826, An Ordinance of the City of Broken Arrow amending Chapter 6, sections 6-22, 6-46, 6-96, 6-97, 6-130, 6-164, 6-301 of the Code of Ordinances. These amendments will remove the requirement of contractors to deposit and maintain an escrow account balance to utilize the permitting services of the City of Broken Arrow and repeal all ordinances to the contrary and declaring an emergency

- D.     [24-356](#)     Consideration, discussion, and possible approval of an emergency clause for Ordinance 3826
- E.     [24-395](#)     Consideration, discussion, and possible adoption of Ordinance No. 3827, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1643, 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, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F.     [24-396](#)     Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3827
- G.     [24-406](#)     Consideration, discussion, and possible adoption of Ordinance No. 3829, An Ordinance of the City of Broken Arrow amending Chapter 10, Section 27. This amendment will remove the requirement of contractors to deposit and maintain an escrow account balance to utilize the permitting services of the City of Broken Arrow and repeal all ordinances to the contrary and declaring an emergency
- H.     [24-408](#)     Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3829

**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. Pending investigation and claim, including potential resolution, of a matter involving the tort claim of Robert & Holly Winford, Tort Claim No. TRT 1480.2024 and taking appropriate action in open session, if any, 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);**
- 3. A pending investigation and claim, including potential resolution, of a matter involving the tort claim of Pauline Muturi, et al., Tort Claim No. TRT 1483.2024 and taking appropriate action in open session, if any, 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.

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City Clerk