



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, April 16, 2024

6:30 PM

Council Chambers
220 South 1st Street
Broken Arrow, OK

AMENDED AGENDA

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [24-73](#) Approval of the City Council Meeting Minutes of April 2, 2024
- B. [24-521](#) Approval of the Special Joint City Council and Planning Commission Meeting Minutes of March 26, 2024
- C. [24-362](#) Approval of and authorization to execute Change Order #1 with Ground Level, LLC for the Park on Florence 2nd Detention Pond Improvements project (SW1922)
- D. [24-458](#) Acceptance of a Utility Easement from Patrick M. Hays, Otis Earl Hays III and Patricia J. Hays, the owners, on property located at 11528 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 9.0 for the Melinda Park Sanitary Sewer Improvements. Project No. S.23030
- E. [24-491](#) Approval of and authorization to execute Fourth 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

- F. [24-519](#) Approval of and authorization to execute acceptance of Progressive Casualty Insurance Company offer to settle claim for vehicle loss, declaring the vehicle surplus and releasing unit 2033 to Progressive Casualty Insurance Company
- G. [24-475](#) Approval of and authorization to execute a Memorandum of Understanding between the City of Broken Arrow and the Board of County Commissioners of the County of Tulsa regarding the Tulsa County Court Clerk's satellite office in Broken Arrow
- H. [24-413](#) Approval of and authorization to execute a Professional Services Contract with Keep Broken Arrow Beautiful for the Rose Festival, in an amount not to exceed \$7,500.00, for the 2024 festival, subject to annual appropriations
- I. [24-416](#) Approval of and authorization to execute a Professional Services Contract with ArtsOK for the Chalk It Up Festival, in an amount not to exceed \$7,500.00, for the 2024 festival, subject to annual appropriations
- J. [24-518](#) Approval of and authorization to execute a Professional Services Contract with The Davenport group for Engineering hours associated with the Hyper-V cluster build
- K. [24-505](#) Approval of and authorization to execute a proclamation declaring April 22, 2024, as Earth Day, and the month of April, 2024 as Earth Month in the City of Broken Arrow and encourage our citizens to participate in activities such as recycling, reducing, reusing, replanting, and restoring our communities and the planet
- L. [24-531](#) Approval of and authorization to execute a proclamation declaring May 6, 2024, as Broken Arrow High School Bands Day
- M. [24-525](#) Approval of and authorization to execute service agreement with Fleet Clean for truck washing service
- N. [24-467](#) Approval of PR-000139-2022 | PT-001396-2024, Conditional Final Plat, Old Highway 51 Industrial Park, approximately 2.30 acres, 1 proposed lot, A-1 to IL/PUD-000502-2022 located approximately one-quarter mile north of Houston Street and one-quarter mile east of 23rd Street, southwest of the Broken Arrow Expressway
- O. [24-410](#) Award of the lowest responsible bid to Cherokee Pride Construction, LLC and approve and authorize the execution of a construction contract for the Elm Avenue Culvert Replacement project (SW23010)
- P. [24-494](#) Ratification of the Claims List Check Register Dated April 08, 2024

6. Consideration of Items Removed from Consent Agenda

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

- A. [24-496](#) Presentation of Tulsa County Court Clerk's satellite office in Broken Arrow annual update
- B. [24-476](#) Approval of and authorization to execute a proclamation declaring the week of April 14 - 20, 2024, as National Telecommunicators Week
- C. [24-522](#) Consideration, discussion, and possible action on an appeal to the Hearing Officers for property owner Adam Makin at 204 W Pittsburg Pl, Broken Arrow, Oklahoma allowing a Short-Term Rental property to be licensed within the 300' radius of another established Short-Term Rental property
- D. [24-529](#) Presentation and discussion of Street Closure Permit for the lane closure of eastbound traffic on Houston St. immediately east of 23rd St.

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. [24-317](#) Consideration, discussion, and possible approval to execute a Professional Consultant Agreement with Crossland Heavy Contractors Inc. for Construction Management Services for the Events Park Infrastructure Project (Project No. 2417210)
- B. [24-411](#) Consideration, discussion, and possible award of the lowest responsible bid to A&A Asphalt, Inc., and approval and authorization to execute a construction contract for the North 23rd Street Rehabilitation (Project No. ST4210)
- C. [24-434](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No 1569, a Resolution of Necessity to file a Small Claims action against SAHIL LLC, Broken Arrow Inn located at 835 N 1st St Pl Broken Arrow OK 74012 for failure to report and or pay Hotel Occupancy Tax owing for the period of September 2023 to February 2024
- D. [24-435](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No 1570, a Resolution of Necessity to file a Claim in District Court against L.S. Multabi, owner of Homewood Suites located at 4900 Madison Pl. Broken Arrow OK 74012 for failure to report and or pay Hotel Occupancy Tax owing for the period of September 2023 to February 2024
- E. [24-484](#) Consideration, discussion, and possible appointment of two City Council members and one external representative, Jeff Hewitt, to the Broken Arrow Finance Audit Committee
- F. [24-524](#) Consideration, discussion, and possible approval of the reappointment of Jonathan Townsend to the City of Broken Arrow Planning Commission for a three-year term, to expire May 5, 2027

- G. [24-526](#) Consideration, discussion, and possible approval of the reappointment of Jason Coan to the City of Broken Arrow Planning Commission for a three-year term, to expire May 5, 2027
- H. [24-527](#) Consideration, discussion, and possible approval of the reappointment of Jaylee Klempa to the City of Broken Arrow Planning Commission for a three-year term, to expire May 5, 2027
- I. [24-514](#) Consideration, discussion, and possible approval of a 30-60 day extension to adopt the updated Zoning Ordinance
- J. [24-466](#) 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)
- K. [24-516](#) Considerations, discussion, and possible approval of PUD-001360-2024 and BAZ-001206-2023 (Rezoning), Spring Creek Crossing, 38 acres, A-1 (Agricultural) to RS-4 (Single-Family Residential) and PUD (Planned Unit Development)-001360-2024, located north of Tucson Street (121st Street), one-quarter mile west of 9th Street (177th East Avenue/Lynn Lane Road)

10. Preview Ordinances-NONE

11. Ordinances

- A. [24-468](#) Consideration, discussion, and possible adoption of Ordinance No. 3825-CORRECTED, 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. [24-469](#) Consideration, discussion, and possible approval of an emergency clause for Ordinance 3825-CORRECTED
- C. [24-470](#) Consideration, discussion, and possible adoption of Ordinance No. 3826-CORRECTED, 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. [24-471](#) Consideration, discussion, and possible approval of an emergency clause for Ordinance 3826-CORRECTED

- E. [24-473](#) Consideration, discussion, and possible adoption of Ordinance No. 3829-CORRECTED, 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
- F. [24-474](#) Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3829-CORRECTED

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 Liberty Mutual, Tort Claim No. TRT 1487.2024, 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.

City Clerk