



City of Broken Arrow

Meeting Agenda Broken Arrow City Council

Mayor Craig Thurmond

Vice Mayor Scott Eudey

Council Member Johnnie Parks

Council Member Debra Wimpee

Council Member Christi Gillespie

Tuesday, August 20, 2019

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. [19-16](#) Approval of the City Council Meeting Minutes of August 6, 2019
- B. [19-1014](#) Accept Planning Commission meeting minutes of July 11, 2019
- C. [19-1015](#) Accept Planning Commission meeting minutes of July 25, 2019
- D. [19-1030](#) Approval of and authorization to execute Budget Amendment Number #3 for Fiscal Year 2020
- E. [19-1046](#) Approval of and authorization to execute Resolution No. 1259, a Resolution of the City of Broken Arrow casting a vote for Trustee of the Oklahoma Municipal Retirement Fund (OkMRF) to fill the expiring term of at-large Trustee representing the entire membership
- F. [19-1025](#) Approval of and authorization to waive Chapter 16, Section 12, subsection 5 to allow for the construction, installation, event activities and removal of lighting, ring and production equipment in the Rose District, 100-300 S. Main Street, Broken Arrow, OK, beginning August 21st through August 24th, 2019
- G. [19-1043](#) Notification of City Manager's, Assistant City Manager's and Department Director's execution of Professional Consultant Agreements with a value less than \$25,000
- H. [19-1052](#) Approval of and authorization to execute Amendment No. 6 to the Agreement between Unum Life Insurance Company of America and the City of Broken Arrow to provide long-term disability insurance to City employees
- I. [19-1031](#) Approval of and authorization to execute two (2) Contracts with Tulsa County for Public Improvements and for Provision of Public Services for the Federal Fiscal Year 2019 Community Development Block Grant (CDBG) Programs
- J. [19-1051](#) Approval of and authorization to execute the Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C. for providing counsel and legal advice regarding sovereignty law, employment law and labor law
- K. [19-992](#) Approval of the sole source purchase of five (5) Spacesaver pass thru evidence lockers with ControLoc and one (1) Spacesaver 4-door refrigerated evidence locker from Southwest Solutions Group, Inc.

- L. [19-1027](#) Approval of and authorization to purchase four (4) 2020 Chevrolet Impala full-sized automobiles from Vance Chevrolet, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department
- M. [19-1024](#) Award the most advantageous bid to 911 Custom for the purchase of police vehicle equipment for the Police Department
- N. [19-1048](#) Approval of and authorization to declare two (2) Stair-PRO (Stair Chairs) of the Fire Department as surplus and authorize the donation of those items to education organizations such as vocational trade schools, junior colleges, and any other training institutions
- O. [19-1040](#) Approval of and authorization to execute Resolution No. 1257, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 13, which consists of 0.13 acres of Permanent Right-of-Way for 23rd Street, Houston to Kenosha, in the Northwest Quarter of Section 7, Township 18 North, Range 15 East, south of the Southeast Corner of 23rd Street and Sidney Avenue, from B-Z Properties, LLC, and authorize payment in the amount of \$8,300.00, for the 23rd Street widening from Houston to Kenosha (Project No. ST0914)
- P. [19-1044](#) Approval of and authorization to execute Resolution No. 1258, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 19, which consists of 0.54 acres of Permanent Right-of-Way for 23rd Street, Houston to Kenosha, in the Northwest Quarter of Section 7, Township 18 North, Range 15 East, north of the Northeast Corner of 23rd Street and Sidney Avenue, from B-Z Properties, LLC, and authorize payment in the amount of \$31,700.00, plus costs and fees of \$22,500.00, for the 23rd Street widening from Houston to Kenosha (Project No. ST0914)
- Q. [19-1013](#) Approval of PT15-103B, Conditional Final Plat, Stone Horse IV of Broken Arrow, 24.07 acres, 82 Lots, A-1 (Agricultural) to RS-3 (Single-Family Residential), one-quarter mile east of Olive Avenue (129th East Avenue), one-quarter mile south of Tucson Street (121st Street)
- R. [18-1453](#) Approval of the Broken Arrow City Council Claims List for August 20, 2019

6. Consideration of Items Removed from Consent Agenda

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

- A. [19-1056](#) A public hearing regarding the annexation of property located on approximately 1,240 acres located south of Dearborn Street (41st), east of 51st Street (Evans Road / 225th East Avenue) within all of Section 28, Township 19 North, Range 15 East, and parts of Section 27, Township 19 North, Range 15 East, and Section 33, Township 19 North, Range 15 East, and Section 4, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma and thereby amending the city's northern fence line in Wagoner County

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. [19-1012](#) Consideration, discussion, and possible approval of BAZ-2033 (Rezoning), Tidal Wave Rezoning, 3.11 acres, R-2 (Single-Family Residential) to CH (Commercial Heavy), south of the southeast corner of Houston Street (81st Street) and Elm Place (161st East Avenue)
- B. [19-1018](#) Consideration, discussion, and possible approval of the appointment of Jaylee Klempa to the City of Broken Arrow Planning Commission for the remainder of Pablo Aguirre three-year term to expire May 1, 2021
- C. [19-1019](#) Consideration, discussion, and possible approval and authorization to execute Resolution

No. 1251, a Resolution authorizing the City Attorney to seek issuance by the Court a Journal Entry of Judgment in the case of City of Broken Arrow, Oklahoma v. CWP, Inc., Wagoner County District Court Case No. CV-18-114, regarding the condemnation of property located on Government Lot 2, Section 7, T-18-N, R-15-E of Indian Meridian, Wagoner County, State of Oklahoma

- D. [19-1023](#) Consideration, discussion and possible approval and authorization to execute Resolution No. 1256, a Resolution ratifying the City Attorney's effectuation of settlement, including the Journal Entry of Judgment approved by the Court, in City of Broken Arrow, Oklahoma v. Joe H. Wilson and Rebecca J. Wilson, Tulsa County District Court Case No. CJ-2019-182, regarding the condemnation of a portion of the property located at 11709 East 91st Street, Tulsa County, State of Oklahoma
- E. [19-1050](#) Consideration, discussion and possible direction by City Council regarding adding Section 5.10, Light Pole Banners and Decorations, of the City of Broken Arrow Zoning Ordinance; specifically including rules and procedures for the City's acceptance of donation of decorative banners or other decorations designed to be placed on light poles

10. Preview Ordinances

- A. [19-862](#) Consideration, discussion, and possible preview of an Ordinance amending Chapter 2-Administration; Article IX-Employee Rules and Regulations, repealing Section 2-140, Statement of Purpose, Section 2-141, Amendment of Rules, Section 2-142, Statement of Policy, Amending Section 2-143, Application of Policy; Definitions, Section 2-147, Promotions, Section 2-148, Demotions, Section 2-149, Probationary Period, Section 2-150, Standards of Conduct, Section 2-152, Vacation leave, Section 2-153, Sick Leave, Section 2-155, Paid leave donation bank, Section 2-156, Civil Leave, Section 2-157, Official Representation, Section 2-158, Leave Without Pay, Section 2-159, Funeral Leave, Section 2-160, Military Leave, Section 2-161, Unauthorized Leave of Absence, Section 2-162, Pay Policy, Section 2-163, Classification Plan, Section 2-164, Pay Plan, Section 2-165, Department Director Evaluation and Compensation, Section 2-166, Performance Evaluations and Employee Variable Pay Program, Section 2-167, Grade Changes, Section 2-168, Pay Schedule, Section 2-169, Separation, Section 2-170, Disciplinary Action, Section 2-171, Grievance Procedure; repealing all ordinances to the contrary; and declaring an emergency
- B. [19-1054](#) Consideration, discussion, and possible preview of an Ordinance amending Chapter 2, Article X, Section, 2-187, Purchase order system, Section 2-188, Invoice System, of the Broken Arrow Code pertaining to Invoice system; repealing all ordinances to the contrary; and declaring an emergency
- C. [19-1055](#) Consideration, discussion, and possible preview of an Ordinance for voluntary annexation of approximately 1,240 acres located south of Dearborn Street (41st), east of 51st Street (Evans Road / 225th East Avenue) within all of Section 28, Township 19 North, Range 15 East, and parts of Section 27, Township 19 North, Range 15 East, and Section 33, Township 19 North, Range 15 East, and Section 4, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma and thereby amending the city's northern fence line in Wagoner County, repealing all ordinances to the contrary; and declaring an emergency

11. Ordinances

- A. [19-1016](#) Consideration, discussion, and possible adoption of Ordinance No. 3598, an ordinance closing a utility easement from CRS Sanders Investments, LLC, on property located

one-quarter mile south of Washington Street (91st Street), one-half mile east of Elm Place (161st East Avenue), Tulsa County, State of Oklahoma, (Section 23, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency

- B. [19-1017](#) Consideration, discussion and possible adoption of Ordinance No. 3599, an ordinance amending Section 3.1.F (Table 3.1-1) Table of Allowed Uses, Section 3.2.C, Commercial Uses, Section 3.3.D, Additional Standards for Specific Accessory Uses, Section 5.4.D (Table 5.4.1), Off-Street Parking Schedule A, and Section 10.3.D.11a, Definitions of the City of Broken Arrow Zoning Ordinance; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency
- C. [19-976](#) Consideration, discussion, and possible adoption of Ordinance No. 3589, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1994, generally located north of Kenosha Street (71st Street), west of 9th Street (Lynn Lane/177th E. Avenue), granting an IL zoning classification be placed upon the tract along with PUD-271A, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. [19-986](#) Consideration, discussion, and possible adoption of Ordinance No. 3590, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1996, generally located at 7755 Old Highway 51, granting an IL zoning classification be placed upon the tract along with PUD-274, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. [19-987](#) Consideration, discussion, and possible adoption of Ordinance No. 3591, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1916 and BAZ-1997, generally located one-quarter mile south of Omaha Street (51st Street) and west of Aspen Avenue (145th E. Avenue), granting CH and IL zoning classifications be placed upon the tract along with PUD-226A, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F. [19-989](#) Consideration, discussion, and possible adoption of Ordinance No. 3592, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, BAZ-1999, generally located one-quarter mile west of Ninth Street (Lynn Lane/177th E. Avenue), north of New Orleans Street (101st Street), granting a R-2 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G. [19-990](#) Consideration, discussion, and possible adoption of Ordinance No. 3593, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, BAZ-2003, generally located one-quarter mile west of Ninth Street (Lynn Lane/177th E. Avenue), one-quarter mile north of Kenosha Street (71st Street), granting a RS-1 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- H. [19-991](#) Consideration, discussion, and possible adoption of Ordinance No. 3594, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, BAZ-2004, generally located one-half mile north of Houston Street (81st Street), west of Evans Road (225th E. Avenue), granting a RS-3 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- I. [19-997](#) Consideration, discussion, and possible adoption of Ordinance No. 3595, an ordinance

amending the zoning ordinance of the City of Broken Arrow, Oklahoma, BAZ-2006, generally located one-eighth mile south of Houston Street (81st Street), east of Main Street, granting a DM zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- J. [19-1003](#) Consideration, discussion, and possible adoption of Ordinance No. 3596, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2009, generally located north of Kenosha Street (71st Street), west of the Creek Turnpike, granting an CH zoning classification be placed upon the tract along with PUD-175D, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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 the litigation case of Joshua Andre Garza v. City of Broken Arrow, the United States District Court for the Northern District Case Number 19-CV-423-TCK-JFJ, under 25 O.S. §307(B)(4).

2. Discussing the employment of the City Manager, Michael L. Spurgeon, and his employment agreements, 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).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to protect the confidentiality of the employee evaluation as allowed by the Open Meeting Act. Additionally, 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.

POSTED this ____ day of _____, _____, at _____ a.m./p.m.

City Clerk