



City of Broken Arrow

Meeting Agenda

Broken Arrow City Council

Tuesday, September 3, 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. [19-1062](#) Acknowledgement of upcoming out-of-state travel by City Council members
 - B. [19-17](#) Approval of the City Council Meeting Minutes of August 20, 2019
 - C. [19-1101](#) Accept Planning Commission meeting minutes of August 08, 2019
 - D. [19-1120](#) Approval of and authorization to execute a Fifth Amendment to Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon
 - E. [19-1028](#) Approval of and authorization to execute Budget Amendment Number 2 for Fiscal Year 2020
 - F. [19-1107](#) Approval of and authorization to execute a Budget Amendment No. 4 for Fiscal Year 2020
 - G. [19-1076](#) Approval of and authorization to execute Resolution No. 1254, a Resolution of the City Council of the City of Broken Arrow, Oklahoma, establishing the Wireline Nine-One-One (911) Emergency Telephone Fee for Calendar Year 2020 at Five Percent (5%) pursuant to State Statute and Ordinance
 - H. [19-1077](#) 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
 - I. [19-1060](#) Approval of and authorization to execute an annual Services Contract with Broken Arrow Seniors, Inc. (BASI) providing educational, recreational, social, and nutritional programs for Broken Arrows' senior citizens
 - J. [19-1081](#) Approval of and authorization to execute Amendment No. 1 to Agreement for Professional Consulting Services with Guy Engineering Services, Inc., for providing waters and wetlands delineation as well as concurrent biological evaluation for a USACE Jurisdictional Determination on the Houston Street Widening from 9th Street to Old Highway 51 (ST1926) project
 - K. [19-1086](#) Approval of and authorization to execute Amendment No. 1 to Professional Consultant Agreement with KKT Architects, Inc. for City Council Chambers Renovation (Project No. 191716)
 - L. [19-1105](#) Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Danna Centeno, RN, d.b.a Lockedin RN, L.L.C (Centeno) for providing city jail medical services

- M. [19-1083](#) Approval of and authorization to execute a Youth Counseling Agreement between the City of Broken Arrow and Youth Services of Tulsa, Inc.
- N. [19-1059](#) Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Seniors, Inc (BASI)
- O. [19-1109](#) Approval of and authorization to execute a First Amendment to the Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Soccer Club
- P. [19-1070](#) Approval of and authorization to purchase one (1) full sized sport utility vehicle (SUV) from Vance Chevrolet for the Fire Department as the most advantageous bid pursuant to the Oklahoma Statewide Contract
- Q. [19-1071](#) Approval of and authorization to purchase one (1) 1/2 ton crew cab truck from John Vance for the Fire Department pursuant to the Oklahoma Statewide Contract SW35
- R. [19-1092](#) Approval of and authorization to purchase structural firefighting coats and pants from Northern Safety and Industrial, boots and helmets from Casco Industries, Inc., from existing contract Bid 17.149
- S. [19-1108](#) Approval of and authorization to purchase three (3) LifePak 15 Cardiac monitors from Stryker formerly Physio Inc, pursuant to Oklahoma Statewide Contract, and authorize to surplus and authorize trade-in as a credit three (3) Lifepak 12 monitors for the Fire Department
- T. [19-247](#) Acceptance of a Temporary Construction Easement from for Parcel 13A, which consists of 0.1523 acres of Temporary Construction Easement for Washington Street Improvements, Garnett to Olive, located at 12700 East 91st Street in Northeast Quarter of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the SM & PK GILLEAN LIVING TRUST (Project No. ST1616)
- U. [19-1097](#) Approval of and authorization of final acceptance for the public improvements at Ninety One Phase III located at 91st and Lynn Lane
- V. [19-1098](#) Approval of and authorization of final acceptance for the public improvements at Silver Leaf Phase II located at 51st Street South and South 209th East Avenue
- W. [19-1099](#) Approval of and authorization of final acceptance for the public improvements at Whiskey Ridge located at 31st Street and 193rd East Avenue
- X. [18-1456](#) Approval of the Broken Arrow City Council Claims List for September 03, 2019

6. Consideration of Items Removed from Consent Agenda

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

- A. [19-1104](#) A public hearing regarding the Police Department's application for the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorization to submit the grant application
- B. [19-972](#) Presentation and acknowledgement of the Financial Statements for the 4th quarter of Fiscal Year 2019 for the General Fund, Police Sales Tax Fund, Fire Sales Tax Fund, and Sales Tax Capital Improvements Fund
- C. [19-1074](#) Presentation, discussion, and possible approval of the Museum Broken Arrow's proposed building mural project

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. [19-1090](#) Consideration, discussion and possible approval and authorization to execute the City of Broken Arrow Innovation District Services Professional Consultant Contract
- B. [19-1091](#) Consideration, discussion and possible approval of SP-296 (Specific Use Permit), Independent School District No. 3 (Broken Arrow Public Schools), Science, Engineering, Technology and Mathematics Academy (STEM), 79.8 acres, A-1, one-quarter mile east of 23rd Street (193rd East Avenue/County Line Road), north of Albany Street (61st Street)
- C. [19-1106](#) Consideration, discussion, and possible approval of Resolution No. 1261, a Resolution authorizing the City Attorney to enter into a proposed Journal Entry of Judgment in regard to the foreclosure action filed by Energy One Federal Credit Union against the property located at 1934 West Toledo Court, Broken Arrow Oklahoma 74102, Tulsa County Case Number CJ-2019-1554, and directing the City Attorney to prepare and file the necessary documents to effectuate the Journal Entry of Judgment
- D. [19-1113](#) Consideration, discussion and possible approval of Resolution No. 1263, a Resolution of the City of Broken Arrow authorizing the Broken Arrow Economic Development Authority to assist the City in carrying out and administering the Creek 51 Business Park Economic Development Project Plan adopted by the City; approving and authorizing the execution of an Economic Development Agreement by and among the authority, the City, and Creek 51 Business Park, LLC; approving and authorizing the execution of a Security Agreement by and between the Authority and the City pertaining to the Tax Increment Revenues; approving the use of assistance in development financing; and containing other provisions relating thereto
- E. [19-1021](#) Consideration, discussion, and possible appointment of two Council members to the Broken Arrow Drainage Committee
- F. [19-1020](#) Consideration, discussion, and possible appointment of members of the Broken Arrow Drainage Committee

10. Preview Ordinances

11. Ordinances

- A. [19-1110](#) Consideration, discussion, and possible adoption of Ordinance No. 3600, 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. [19-1114](#) Consideration, discussion, and possible adoption of Ordinance No. 3601, 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; specifically allowing the Finance Department to make payments through the invoice and purchase order systems after the Council approves the claims list or by ratification, repealing all ordinances to the contrary; and declaring an emergency
- C. [19-1112](#) Consideration, discussion, and possible adoption of Ordinance No. 3602, an ordinance annexing 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
- D. [19-1115](#) Consideration, discussion and possible adoption of Ordinance No. 3603, a Zoning Ordinance of the City of Broken Arrow Code of Ordinances, amending Chapter 5, Development Standards, 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

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, and the City Attorney, and possible action in open session regarding the following:

1. Litigation, including potential resolution, of a matter involving litigation in the matter of Francis Patrick Charon v. City of Broken Arrow et. AL., CJ-2016-0834, Tulsa County District Court, Case No. 5:17-CV-01221-R, and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4); and

2. Litigation, including potential resolution, of a matter involving the litigation case of City of Broken Arrow vs. Purdue Pharma, L.P., et al., in the United States District Court for the Northern District Court, Case Number 4:19-CV-00047-TCK-JFJ, 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 pending claims, litigation and possible litigation in the public interest in accordance with State Statute. 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