



City of Broken Arrow
Meeting Agenda
Broken Arrow City Council

Mayor Craig Thurmond
Vice Mayor Scott Eudey
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Debra Wimpee

Tuesday, July 18, 2017

6:30 PM

Council Chambers
220 S. 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. [17-1685](#) Approval of City Council Meeting Minutes of July 3, 2017

Attachments: [07-03-2017 Council Minutes](#)

B. [17-2418](#) Approval of and authorization to execute Budget Amendment Number 4 for Fiscal Year 2017

Attachments: [07-18-17 BA#4 FINAL](#)

C. [17-2401](#) Approval of and authorization to execute Resolution No. 1032, a Resolution of the City of Broken Arrow declaring improvements to properties located at 221 North 9th Street, 310 North 9th Street, 312 North 9th Street, 825 East Dallas Street, 845 East Elgin Street, and 1001 Wesley Drive surplus and authorizing moving or demolition of the improvements to clear the properties for relocation of utilities and construction of the 9th Street, Elgin to El Paso Widening Project (Project No. ST1210)

Attachments: [170718 Resolution 1032 Surplus and Removal of Improvements to 6 Parcels](#)

D. [17-2430](#) Approval of and authorization to execute Resolution No. 1035, a Resolution of the City Council of the City of Broken Arrow, Oklahoma, establishing that the National Incident Management System (NIMS) is the standard for incident management in the City of Broken Arrow, Oklahoma

Attachments: [NIMS RESOLUTION.doc](#)

E. [17-2406](#) Approval of and authorization to execute a Promotional License on City Property allowing the Broken Arrow Economic Development Corporation to

host music events in The Rose District

Attachments: [Rose District Promotional License Agreement](#)

- F. [17-2397](#) Approval of and authorization to execute Amendment No. 4 to Agreement for Professional Consultant Services with Garver, LLC for engineering of 9th Street Widening, El Paso to Elgin (Project No. ST1210)

Attachments: [170718 Contract Amendment no 4 \(executed by Garver and Legal\)](#)

- G. [17-2412](#) Approval of and authorization to execute First Amendment to Amended and Restated Site Use/Lease Agreement with New Cingular Wireless, PCS, LLC

Attachments: [ATT Site Usage Agreement.pdf](#)

- H. [17-2403](#) Approval of and authorization to execute a Gas Facilities Relocation Agreement with Oklahoma Natural Gas Company for 37th Street from Omaha Street to Albany Street (Project No. ST1507)

Attachments: [170620 ONG Agreement 37th Omaha to Albany](#)

- I. [17-2427](#) Approval of and authorization to execute an Agreement for Professional Consultant Services with Olsson Associates, Inc., for Design of a Tiger Hill Soldier Pile Retaining Wall

Attachments: [170712 Tiger Hill AE Contract](#)

- J. [17-2416](#) Approval of and authorization to execute a Professional Transportation Services Contract with the Metropolitan Tulsa Transit Authority (Tulsa Transit) to provide public transportation services for Fiscal Year 2017-18

Attachments: [Fiscal Year 2017-18 Metropolitan Tulsa Transit Authority Contract](#)

- K. [17-2317](#) Approval of and authorization to execute a Use Agreement with the Broken Arrow Genealogical Society for fiscal year 2017-2018

Attachments: [Signed Broken Arrow Genealogical Society Use Agreement 2017-2018](#)

- L. [17-2405](#) Approval of and authorization to purchase Police duty and practice ammunition from Precision Delta Corporation pursuant to the Oklahoma Statewide Contract

Attachments: [FY18 Precision Delta](#)

- M. [17-2414](#) Approval to waive formal competitive bidding and approve the purchase of two (2) LifePak 15 cardiac monitors from Physio-Control, Inc. as bid pursuant to the Oklahoma Statewide Contract SW300 and authorization to surplus two (2) LifePak 12 monitors and authorize trade-in as a credit for the Fire Department

Attachments: [LifePak 15 Quote 07052017](#)
[SW300-Addendum-#19](#)
[SW300 - ADDENDUM 26 - 2017 extension](#)
[LifePAK 12 Surplus Form July 2017](#)
[LifePAK 15 Bid Tab - July 2017](#)

- N. [17-2417](#) Approval of and authorization to execute Change Order C01 for Downtown Main Street Streetscapes Phase IV
- Attachments:** [Streetscapes IV Change Order #1](#)
[161709 Change Order #1 Backup Docs](#)
- O. [17-2413](#) Approval of and authorization to execute Change Order C02 for Construction Contract ST1615; Fairfax Concrete Repair, Mill and Overlay
- Attachments:** [ST1615 Change Order #2 & Backup Docs](#)
- P. [17-2411](#) Acceptance of the Department of Environmental Quality Sanitary Sewer permit, SX0000721, for Kenosha Villas, located a quarter mile north of Kenosha Street and a quarter mile west of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 4, T18N, R14E)
- Attachments:** [DEQ permit letter documents.pdf](#)
[KV-Plat.pdf](#)
- Q. [17-2410](#) Approval of PT16-110, Conditional Final Plat, Tucson Village, 36.66 acres, A-1 to RS-3, CN, & FD/PUD-234, south and west of the southwest corner of 23rd Street and Tucson Street
- Attachments:** [1-PUBLISHED FACT SHEET](#)
[2-CHECKLIST.PT16 110. Tucson Village](#)
[3-TUCSON VILLAGE CFP](#)
- R. [17-2407](#) Approval of PUD (Planned Unit Development) 264 and abrogation of BAZ 1943 (rezoning), Top Dog Training Boarding Daycare, 4.14 acres, A-1 to PUD 264/A-1, northeast corner of Tucson Street and 9th Street
- Attachments:** [1-PUBLISHED FACT SHEET](#)
[2-CASE MAP.PUD-264](#)
[3-AERIAL.PUD 264](#)
[4-COMP PLAN.PUD 264](#)
[5-PUD DESIGN STATEMENT.06-12-2017](#)
[6-PRELIMINARY PLAT.TOP DOG](#)
- S. [17-2424](#) Approval to dedicate and authorization to execute a Utility Easement regarding an area owned by Signature Properties along the west side of Block 2, Lot 1 and Reserve D of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)
- Attachments:** [UTILITY EASEMENT Corporate.docx](#)
[EXHIBIT A.pdf](#)
[Legal.pdf](#)
[Plat.pdf](#)
- T. [16-1571](#) Approval of the Broken Arrow City Council Claims List for July 18, 2017

Attachments: [07-18-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A. [17-2423](#) Consideration, discussion, and possible approval to grant waivers for properties owned by Jonathan and Lara Weber, James and Mary Garland, and Katie M. and Elizabeth Roberts located within the SteepleChase Farms and Glen Eagles subdivisions regarding the Assessment District for stormwater initiated in 2007

Attachments: [Denial Letters.pdf](#)
[appeal letters.pdf](#)

- B. [17-2392](#) Presentation and discussion regarding the Broken Arrow Industrial Trust

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. [17-2425](#) Presentation, discussion, update, and review of a proposed development for the Embers Grill formerly identified as the Red Creek Dance Hall and Restaurant and the surrounding property located between the Creek Turnpike and Tucson Street, West of Olive Street in the City limits of Broken Arrow, Oklahoma, and consideration and discussion of a proposed Resolution objecting to gaming at this location and authorizing the City Manager to take all actions reasonably necessary to stop illegal gaming

Attachments: [7-13-17 final draft Resolution of Embers Grill](#)
[Embers Grill, Rosenstein, Fist & Ringold letter](#)

- B. [17-2357](#) Update on status of Fleet Ambulances, Costs, Means of Financing, and consideration, discussion, and possible award of the most advantageous bid to Professional Ambulance #1 for the purchase of three (3) ambulances

Attachments: [Bid 17.182 Bid Tabulation](#)

- C. [17-2420](#) Approval of and authorization to execute an Engagement Letter with Crawford & Associates, P.C. to prepare the Fiscal Year 2017 Annual Financial Statements

Attachments: [Preparation of Fiscal Year 2017 Annual Financial Statements Engagement Letter](#)

- D. [17-2422](#) Consideration, discussion, and possible approval of Resolution No. 1033, a Resolution authorizing the City Attorney to agree to Entry of Judgment in the case of the City of Broken Arrow, Oklahoma v Amy E. Hefley, et al, Tulsa County District Court Case number CJ-2017-1378 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval

Attachments: [RESOLUTION NO 1033](#)

- E. [17-2421](#) Consideration, discussion, and possible approval of Resolution No. 1034, a Resolution authorizing the City Attorney to enter into a Final Entry of Judgment without admitting liability in the Matter of Tiger Plaza on Kenosha, LLC v. City of Broken Arrow, Oklahoma et al, Wagoner County District Court Case Number CV-2017-66 authorizing foreclosure and vacation of a utility easement generally located North and East of the Northeast Corner of Kenosha Street and 23rd Street

Attachments: [RESOLUTION NO 1034](#)

- F. [17-2299](#) Consideration, discussion, and possible approval of the appointment of Pablo Aguirre to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2020

10. Preview Ordinances

- A. [17-2409](#) Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code, Chapter 8, Cemeteries, Article II, Park Grove Cemetery; Division 1. Generally; Sec. 8-33 Benches, urns, etc. prohibited to provide for the installation of memory benches, the sale of memory benches and designating types and areas where benches are allowed; repealing all ordinances to the contrary

Attachments: [Memorial bench ordinance XXX adding memorial benches](#)
[BENCH LOCATIONS, POSSIBLE JULY 17](#)
[Memorial benches ordinance change 2017 standard bench example](#)
[Memorial benches ordinance change 2017 bench in cemetery photo](#)
[Memorial benches ordinance change 2017 bench in floral haven photo](#)

11. Ordinances

- A. [17-2346](#) Consideration, discussion, and possible adoption of Ordinance No. 3488, closing a utility easement on property located in the Northeast Quarter (NE/4) of Section Twenty Two (22), Township Eighteen (18), North Range Fourteen (14) East, Arrow Park Addition Amended, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located south and west of the southwest corner of Washington Street and Elm Place; repealing all ordinances to the contrary; and declaring an emergency (Bob Harper)

Attachments: [2-Ordinance No. 3488.doc](#)
[3-EXHIBIT A EASEMENT CLOSURE.pdf](#)
[4- Amended Plat Arrow Park Addition.pdf](#)

- B. [17-2428](#) Consideration, discussion, and possible adoption of Ordinance No. 3489, amending Chapter 16, Offenses-MISCELLANEOUS, Article 1, In General, Section 16-28, Possession of marijuana and controlled dangerous substances; adding Schedule I and II drugs to the definition of controlled dangerous substances, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [7-13-17 Adoption Ordinance 3489.docx](#)

- C. [17-2429](#) Consideration, discussion, and possible adoption of Ordinance No. 3490, amending Chapter 16, Offenses-MISCELLANEOUS, Article III, Offenses Against Property, Section 16-56, Petit Larceny, amending the definition of Petit Larceny to be the taking of personal property of a value not to exceed \$1,000, amending the maximum punishment to be imprisonment of not more than 30 days, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [7-13-17 Adoption Ordinance amending Chapter 16 offenses article III.docx](#)

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 Broken Arrow City Council, the City Manager and the City Attorney, and possible action in open session on matters pertaining to the following:

- 1. Discussing a claim and possible litigation, including potential resolution, of a matter involving a drainage channel located in the 6100 Center Business Park, generally located on East 61st Street between Garnett and Olive and taking appropriate action in open session, under 25 O.S. § 307(B)(4).**
- 2. Discussing litigation, including potential resolution, involving Amy E. Hefley and Tracy A. Hefley, Case No. CJ 2017 1378 in the District Court of Tulsa County, State of Oklahoma and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. § 307(B)(4).**

In the opinion of the City Attorney, the Council is advised that disclosure will impair the ability of the City Council to process the claim, potential litigation, and pending litigation 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