



City of Broken Arrow
Meeting Agenda - Final Amended
Broken Arrow City Council

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

Tuesday, March 20, 2018

6:30 PM

Council Chambers
220 S. 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. [18-108](#) Approval of City Council Meeting Minutes of March 6, 2018
- B. [18-358](#) Approval of and authorization to execute a Proclamation declaring the week of March 26, 2018 as Arbor Week
- C. [18-381](#) Ratification of Mayor's signature on Application for FY18 Tulsa Urban County Community Development Block Grant (CDBG) Funds
- D. [18-359](#) Approval of and authorization to execute a Master Services Agreement with Paymentus for credit card and debit card payment processing
- E. [18-360](#) Approval to declare certain City owned vehicles and equipment as surplus and authorize the sale of those items by public auction
- F. [18-365](#) Notification of City Manager's execution of a Professional Consultant Agreement with a value of \$1,500.00
- G. [18-370](#) Approval of and authorization to execute Amendment No. 2 to Agreement for Professional Consulting Services with PDG, LLC, dba Planning Design Group, for design of Arrowhead Park Improvements (Project No. 176036)
- H. [18-363](#) Approval of and authorization to execute Amendment No. 1 to Agreement for Professional Consulting Services with PDG, LLC, dba Planning Design Group for design of Leisure Park Improvements, New Splash Pad and

Playground (Project No. 176044)

- I. [18-372](#) Approval of and authorization to execute Amendment No. 1 to Agreement between the City of Broken Arrow and Halff Associates, Inc. for preparing the new Comprehensive Plan, to specifically add to the Scope of Services for the Broken Arrow Parks & Recreation Master Plan update
- J. [18-368](#) Award the lowest responsible bid to Ellsworth Construction, LLC, and approve and authorize execution of a construction contract for 4th Street Rehabilitation, Detroit to Midway (Project No. ST1804)
- K. [18-362](#) Award the lowest responsible bid to Magnum Construction, Inc., and approve and authorize execution of a construction contract for Indian Springs Sports Complex Baseball and Soccer Improvements Monument Signage (Project No. 166028A)
- L. [18-367](#) Award the lowest responsible bid to Vance Brothers, Inc., and approve and authorize execution of a construction contract for Micro Surfacing on Aspen from Washington to New Orleans (Project No. ST1705A)
- M. [18-309](#) Approval of PUD-226A (Planned Unit Development) and BAZ-1997 (Rezoning), CSD Enterprises Amended, 4.09 acres, PUD-226/CH and A-CH to PUD-226A/CH and IL, located one-quarter mile south of Omaha Street, west of Aspen Avenue
- N. [18-314](#) Approval of PT17-116, Conditional Final Plat, Twin Cities Ready Mix, 1 Lot, 19.30 acres, IH, one-quarter mile west of 23rd Street, one-quarter mile south of Houston Street
- O. [18-321](#) Acceptance of a Deed of Dedication from Lovelle Properties, LLC on property located one-eighth mile west of 9th Street, north of New Orleans Street, Tulsa County, State of Oklahoma, (Section 23, T18N, R14E)
- P. [18-337](#) Acceptance of a Utility Easement from Lovelle Properties, LLC on property located one-eighth mile west of 9th Street, north of New Orleans Street, Tulsa County, State of Oklahoma, (Section 23, T18N, R14E)
- Q. [18-19](#) Approval of the Broken Arrow City Council Claims List for March 20, 2018

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards - None

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. [18-384](#) Consideration, discussion, and possible action regarding an expression of support for Oklahoma Public School teachers, including their efforts to convince the State Legislature to provide funding for teacher pay raises and

funding for public schools

- B.** [18-371](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1093, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of the Petition to Vacate Easements and Application to Vacate Plat and Portion of Plat and Terminate Restrictive Covenants, Wagoner County District Court case number CV-18-24, Vacating the Amended Plat of Wagoner County Line Plaza, by the Plat and Deed of Dedication dated 6 September 1995, filed for record on 11 September, 1995 in the office of the County Clerk of Wagoner County, Oklahoma, recorded in Plat Cabinet 3, at Pages 300 A & B and a portion of the Plat of Tiger Plaza by the Plat and Deed of Dedication in Declaration of Restricted Conveyance dated for 4 October 2001, filed of record on 12 October, 2001 in the office of the County Clerk of Wagoner County, Oklahoma, recorded in Plat Cabinet 4 Page 394
- C.** [18-289](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1094, a resolution fixing the amount of Series 2018A bonds to mature each year, Fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law; Approving the Preliminary Official Statement pertaining to said bonds; and approving a Legal Services agreement and a Financial Advisor Services agreement and ratification of an Engagement Letter for Legal Services and containing other provisions with respect to the issuance of General Obligation Bonds
- D.** [18-385](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1095, a Resolution approving and authorizing a Development Agreement between the City of Broken Arrow, New Bedford Lakes, LLC, New Bedford Park, LLC, Glenn Shaw and Charles L. Ramsay, Jr.
- E.** [18-377](#) Consideration, discussion, and possible approval of the appointment of four (4) attorneys as nominated by the Mayor to fill the expired terms of the attorney memberships on the Judicial Nominating Committee
- F.** [18-361](#) Consideration, discussion, and possible approval of and authorization to execute an Third Amended Interlocal Agreement by and between the Cities of Bixby, Broken Arrow, Collinsville, Glenpool, Jenks, Owasso, Sand Springs, Sapulpa, Skiatook, Tulsa, and Osage County, and Tulsa County and Northeast Oklahoma Enhanced 9-1-1 Trust Authority, and Indian Nations Council of Governments' (INCOG) regarding a Regional 911 Board for the purpose of shared management of 911 services

10. Preview Ordinances - None

11. Ordinances

- A.** [18-339](#) Consideration, discussion, and possible adoption of Ordinance No. 3515,

an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1903, generally located one-quarter mile west of Elm Place, north of Tucson Street, granting a RM zoning classification be placed upon the tract along with PUD 220B, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- B.** [18-340](#) Consideration, discussion, and possible adoption of Ordinance No. 3516, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1911, generally located one-quarter mile east of Olive Avenue, south of Tucson Street, 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
- C.** [18-343](#) Consideration, discussion, and possible adoption of Ordinance No. 3517, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1913, generally located one-quarter mile west of 23rd Street, south of Kenosha Street, granting an IL zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D.** [18-344](#) Consideration, discussion, and possible adoption of Ordinance No. 3518, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1931, generally located south and west of the southwest corner of New Orleans Street and Olive Avenue, granting a RS-3 zoning classification be placed upon the tract along with PUD 235, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E.** [18-345](#) Consideration, discussion, and possible adoption of Ordinance No. 3519, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1947, generally located one-quarter mile north of Washington Street, east of 9th Street, 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
- F.** [18-346](#) Consideration, discussion, and possible adoption of Ordinance No. 3520, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1949, generally located one-half mile north of Jasper Street, west of Aspen Avenue, granting a RS-3 zoning classification be placed upon the tract along with PUD 244, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G.** [18-347](#) Consideration, discussion, and possible adoption of Ordinance No. 3521, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1950, generally located north of Houston Street, one-quarter to one-half mile east of 9th Street, granting an IL zoning classification be placed upon the tract along with PUD 245, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an

emergency

- H. [18-348](#) Consideration, discussion, and possible adoption of Ordinance No. 3522, an ordinance closing a utility easement on a part of Lot 3, Block 4, Bristol Ponds, an addition to the City of Broken Arrow, being a part of the southeast quarter (SE/4) of Section Fifteen (15), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; repealing all ordinances to the contrary; 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 Petition for Condemnation in the matter of City of Broken Arrow v. BZ Properties, et al., in the District Court for Wagoner County, Case No. CV-18-21 and City of Broken Arrow v. BZ Properties, et al., Case No. CV-18-22 and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4).**
- 2. Litigation, including potential resolution, of a matter involving the Petition for Condemnation in the matter of City of Broken Arrow v. Abatement Systems, Inc. in the District Court for Wagoner County, Case No. CV-18-4 and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4).**
- 3. Litigation, including potential resolution, of a matter involving the tort claim of Kelsie Bruner vs. City of Broken Arrow, and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).**
- 4. Litigation, including potential resolution, of a matter involving litigation in the matter of Juan Rodriguez v. City of Broken Arrow, in the District Court of Tulsa County, Case No. CJ-2017-978, 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 the Executive Session is necessary to process the pending claim, litigation and possible litigation and that 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