



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

Monday, June 5, 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. [17-1676](#) Approval of City Council Meeting Minutes of May 16, 2017

Attachments: [05-16-17 Council Minutes](#)

B. [17-2248](#) Acceptance of Planning Commission meeting minutes of April 27, 2017

Attachments: [APRIL 27, 2017 PC MINUTES.pdf](#)

C. [17-2240](#) Approval of Downtown Residential Overlay Study Pay Request Number 5 in the amount of \$1,900.00, for Phase Two, to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$1,900.00 using STCI funds

Attachments: [INVOICE NO 5.pdf](#)
 [Executed Agreement.pdf](#)

D. [17-2174](#) Approval of and authorization to execute Resolution No. 1017, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 1, which consists of 0.19 acres of permanent right-of-way for 23rd Street Widening from Houston to Kenosha, in the NE 1/4 of the NE 1/4 of Section 13, Township 18 North, Range 14 East, Tulsa County, from United Markets, Inc., and authorization of payment in the amount of \$9,500.00 to United Markets Inc., for the 23rd Street Widening from Houston to Kenosha Project and authorizing staff to apply to the Oklahoma Department of Transportation for reimbursement of eighty percent of the acquisition cost of this property

for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

Attachments: [170516 Parcel 1 UM Inc. Resolution 1017](#)
[170516 Parcel 1 UM Inc CC Docs](#)
[Project Parcel Map for Parcels 1 & 12](#)

- E.** [17-2175](#) Approval of and authorization to execute Resolution No. 1018, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 12, which consists of 0.28 acres of Permanent Right-of-Way for 23rd Street Widening from Houston to Kenosha, in the W 1/2 of Lot 1, Block 2, Angus Acres Subdivision, in Section 7, Township 18 North, Range 15 East, Wagoner County, from the Mark S. Drop, Sr. Living Trust dated 1991, and authorization of payment in the amount of \$28,500.00 to the Mark S. Drop, Sr. Living Trust dated 1991, for the 23rd Street Widening from Houston to Kenosha Project and authorizing staff to apply to the Oklahoma Department of Transportation for reimbursement of eighty percent of the acquisition cost of this property for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

Attachments: [170516 Parcel 12 Drop Trust Resolution 1018](#)
[170516 Parcel 12 Drop Trust CC Docs](#)
[170516 Project Parcel Map for Parcels 1&12](#)

- F.** [17-2259](#) Approval of and authorization to execute Resolution No. 1023, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of Rivergate Crossroads v. City of Broken Arrow, Tulsa County District Court Case CV-2017-00590, authorizing foreclosure and vacation of mutual access and utility easements generally located north of the Broken Arrow Expressway, a quarter mile west of 9th Street

Attachments: [RESOLUTION NO 1023.docx](#)

- G.** [17-2260](#) Approval of and authorization to execute Resolution No. 1024, a Resolution authorizing the execution of a Contract for Sale of Real Estate for Real Property being the South 660 feet and the West 825 feet of the SW/4 of the SW/4 of Section 24, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma including structures and improvements; and authorizing the City of Broken Arrow's expenditure of the sum of \$700,000.00 to Betty B. Winfrey, Linda M. Main, Russell Floyd Read IV, and Elizabeth Ann Read to effect such purchase; designating representatives of the City of Broken Arrow, Oklahoma for purposes of granting certain approvals and executing certain instruments as required under and in connection with said Contract for Sale of Real Estate for the 2-3 MG Elevated Storage Tank Project (Project No. 165424)

Attachments: [170605 Water Tower Resolution 1024](#)
[170531 Brokers Offer Letter Signed](#)
[170605 Map Proposed Water Tower Site](#)

- H. [17-2241](#) Approval of and authorization to allow a Fire Department employee to apply to and participate in the Oklahoma Taskforce-1 Urban Search and Rescue Team

Attachments: [Letter of Commitment for Application to OK TF-1](#)

- I. [17-2247](#) Approval of and authorization to execute the 2017 Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2017 Taste of Summer event

Attachments: [29902128_2016 TOS Map Final.pdf](#)
[Taste of Summer.pdf](#)

- J. [17-2265](#) Notification of City Manager's, Assistant City Manager's, and Engineering and Construction Department Director's execution of Professional Consultant Agreements with a value less than \$25,000

Attachments: [170518 EXECUTED Professional Services Contract TEC](#)
[170525 EXECUTED Geotech Services Contract GFAC](#)

- K. [17-2267](#) Approval of and authorization to execute Professional Services Agreement with Binu Ethevatheril, D.V.M. for Veterinarian spay/neuter and rabies vaccination services at the Animal Shelter

Attachments: [FY17 Vet Contract for SpayNeuter](#)

- L. [17-2254](#) Withdrawal of the approval and authorization to purchase one (1) one-ton truck from Bob Howard Dodge due to a pricing error on the statewide vehicle contract and approve and authorize the purchase of one (1) one-ton truck from Vance Country Ford, pursuant to the Oklahoma statewide vehicle contract, for the Streets Department

Attachments: [reaward one ton cab and chassis street sate contr bid tab](#)

- M. [17-2250](#) Award the lowest responsible bid to Third Generation Electrical, Inc., and approve and authorize execution of a construction contract for Chisholm Trail South Park Security Lighting (Project No. 176041)

Attachments: [Certified Bid Tab](#)

- N. [17-2258](#) Information regarding quotes obtained by the General Services Department for delivery and supply of immediate need aftermarket automotive parts

Attachments: [Quote Immediate need aftermarket automotive parts 2017](#)

- O. [17-2272](#) Ratification of Work Order #26 through #38 and approval of and authorization to execute Change Order #CO-1 for Construction Contract Bid No. 16.162A; Portland Cement Concrete Repair

Attachments: [PCC Contract 16.126A Change Order #1](#)

- P. [17-2273](#) Approval of and authorization to execute Change Order #2 for Construction Contract Bid No. 16.162A; Portland Cement Concrete Repair
- Attachments:** [PCC Contract 16.126 A #2](#)
- Q. [17-2230](#) Approval of BAZ-1977 (Rezoning), Oak Grove Road and 73rd Street (ZION USA Property), 2.24 acres, A-1 to RE, one-quarter mile south of Kenosha Street, west of Oak Grove Road
- Attachments:** [1-PUBLISHED FACT SHEET](#)
[2- CASE MAP.BAZ-1977](#)
[3-AERIAL.BAZ 1977](#)
[4-COMPREHENSIVE PLAN](#)
[5-PROPOSED LOT SPLIT](#)
- R. [17-2231](#) Approval of PUD-262 (Planned Unit Development) and BAZ-1979 (Rezoning), Kensington Ridge II, 39.87 acres, A-1 to RS-1/PUD-262, one-quarter mile north of Houston Street, one-quarter mile west of Oak Grove Road
- Attachments:** [1-PLANNING FACT SHEET](#)
[2-CASE MAP.PUD 262 & BAZ 1979](#)
[3-AERIAL.PUD 262](#)
[4-REVISED PUD 262 DESIGN STATEMENT SUBMITTED 20170524.pdf](#)
[5-COMPREHENSIVE PLAN](#)
[6-IFC.SECTION D107.1](#)
- S. [17-2232](#) Approval of PUD-263 (Planned Unit Development) and BAZ-1980 (Rezoning), Elgin Street Row Homes, 0.56 acres, PUD-241/R-3 to PUD-263/DF, northeast corner of Cedar Avenue and Elgin Street
- Attachments:** [1-PUBLISHED FACT SHEET](#)
[2-CASE MAP.PUD 263 & BAZ 1980](#)
[3.AERIAL.PUD 263 & BAZ 1980](#)
[4-COMP PLAN.PUD 263 & BAZ 1980](#)
[5-DESIGN STATEMENT AND CONCEPTUAL SITE PLAN](#)
[6-EXCERPT FROM DOWNTOWN MASTER PLAN](#)
[7-BUILDING ELEVATIONS SUBMITTED MAY 9, 2017](#)
- T. [17-2234](#) Acceptance of a Deed of Dedication from Steven A. and Marcella R. Wilson, on property located one-quarter mile south of Kenosha Street, west of Oak Grove Road, Wagoner County, State of Oklahoma, (Section 11, T18N, R15E)
- Attachments:** [2-DEED OF DEDICATION.pdf](#)
[3-CASE MAP.BAL-2016.pdf](#)
- U. [17-2236](#) Acceptance of a Utility Easement from Steven A. and Marcella R. Wilson,

on property located one-quarter mile south of Kenosha Street, west of Oak Grove Road, Wagoner County, State of Oklahoma, (Section 11, T18N, R15E)

Attachments: [2-UTILITY EASEMENT DEDICATION.pdf](#)
[3-CASE MAP.BAL-2016.pdf](#)

- V. [17-2235](#) Acceptance of a Water Line Easement from Multi-State Holdings, LLC, on property located one-half mile north of Kenosha Street, west of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 4, T18N, R14E)

Attachments: [2-Waterline Easement.pdf](#)
[3-Exhibit A 12Apr17.pdf](#)
[4-Exhibit B 12Apr17.pdf](#)

- W. [16-1562](#) Approval of the Broken Arrow City Council Claims List for June 05, 2017

Attachments: [06-05-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A. [17-2253](#) Conduct a Public Hearing for the Proposed 2017-2018 Fiscal Year Budget

Attachments: [FY 2018 BUDGET SUMMARY.xlsx](#)

- B. [17-2249](#) Presentation by Krista Flasch, Director of Communications on current and upcoming projects

Attachments: [2017 Communications Presentation-final](#)

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. [17-2277](#) Consideration, discussion, and possible approval of and authorization to execute a Waiver of Conflict of Interest between McAfee Taft and the City of Broken Arrow involving real property located at 304 North Main Street, Broken Arrow, Oklahoma

Attachments: [waiver.doc](#)

- B. [17-2284](#) Consideration, discussion, and possible approval of and authorization to execute a Master Lease Agreement between New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and the City of Broken Arrow, Oklahoma, regarding the placement of communication facilities on City properties and utility poles

Attachments: [Ordinance 3482 Cell Towers](#)

- C. [17-2198](#) Consideration, discussion, and possible approval of the reappointment of Rob Whitlock to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning June 1, 2017 and expiring

May 31, 2020

- D. [17-2199](#) Consideration, discussion, and possible approval of the reappointment of Scott Wise to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning June 1, 2017 and expiring May 31, 2020

10. Preview Ordinances

- A. [17-2229](#) Consideration, discussion, and possible preview of an ordinance amending Chapter 22, Taxation, Article V, Use Taxes, Division 1, Nine-One-One Emergency, Section 22-78, Emergency Telephone service fee, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [02-07-2017 Chapter 22, Article V, Section 22-78 Emergency telephone service a](#)

11. Ordinances - - NONE

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. The appraisal of real property located on the North side of Tiger Hill (on the Southwest corner of Lynn Lane and Kenosha), and an economic development proposal for this area to include the transfer of property and the creation of a proposal to entice businesses to locate within the City of Broken Arrow, taking appropriate action in open session, including direction for the City Manager and Staff to continue negotiations for an economic development proposal and obtaining additional appraisals, under 25 O.S. §307(B)(3) and 25 O.S. §307(C)(10); and

2. Pending litigation and offer of settlement and taking appropriate action in open session in the matter of City of Broken Arrow v. R.E.I.P., LLC, et al., Case Number, Tulsa County District Court Case Number CJ-2017-1169, 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 litigation in the public interest and also to protect the confidentiality of the proposed businesses.

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