



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, November 7, 2017

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. [17-1707](#) Approval of City Council Meeting Minutes of October 17, 2017

Attachments: [10-17-2017 City Council Minutes](#)

- B. [17-2827](#) Approval of and authorization to execute Budget Amendment Number 1 for Fiscal Year 2018

Attachments: [11-07-17 FY 2018 BA #1](#)

- C. [17-2828](#) Approval of and authorization to execute Budget Amendment Number 2 for Fiscal Year 2018

Attachments: [11-07-17 FY 2018 BA #2](#)

- D. [17-2829](#) Approval of and authorization to execute Resolution No. 1063, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances

Attachments: [11-07-17 RES No. 1063- Supplementation of City of BA Code of Ordinance.doc](#)

- E. [17-2840](#) Approval of and authorization to execute the Office of Attorney General 2017 Safe Oklahoma Grant Program Contract for Fiscal year 2017-2018
Attachments: [2017 Safe OK Grant Contract Not Signed Appendix A Revised 10-19-2017](#)
- F. [17-2817](#) Approval of and authorization to allow a Fire Department employee apply to and participate on the Oklahoma Taskforce 1 - Urban Search and Rescue Team
Attachments: [Letter of Commitment](#)
- G. [17-2820](#) Approval to declare certain City owned vehicles and equipment as surplus and authorize the sale of those items by public auction
Attachments: [AUCTION LIST OCT 2017](#)
- H. [17-2847](#) Approval of and authorization to execute a renewal of the Pharmacy Benefit Management Services Agreement with Navitus Health Solutions, LLC to continue to provide pharmacy benefit manager services for the employee health plan
Attachments: [Pharmacy Benefit Management Services Agreement](#)
- I. [17-2826](#) Approval of and authorization to execute a services contract between the City of Broken Arrow and Stoney Creek Hospitality Corporation to assist with the marketing and promotion of the Broken Arrow Conference Center
Attachments: [Services Contract with Stoney Creek Hospitality Corporation](#)
- J. [17-2854](#) Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association
Attachments: [BAABA Signed Contract](#)
- K. [17-2798](#) Approval of and authorization to purchase Cisco Wireless Access Points and Licensing from Chickasaw Telecom pursuant to the Oklahoma state contract
Attachments: [CityofBA-WirelessUpdate.xls](#)
- L. [17-2816](#) Award the most advantageous bid to Defenders Supply for the purchase of police vehicle lighting equipment
Attachments: [FY18 Vehicle Lighting Defender Supply](#)
- M. [17-2821](#) Award the most advantageous bid to Lenco Armored Vehicles for purchase of the Lenco Bearcat Armored Rescue Vehicle for the Police Department
Attachments: [FY18 All Terrain Armored Vehicle](#)

- N. [17-2848](#) Approval of and authorization to execute Change Order C01 for Construction Contract Number ST1708/176032, 4th Street Sidewalk, Detroit to Midway and East Kenosha Street Multipurpose Trail
- Attachments:** [Change Order #1 - Kenosha Trail](#)
- O. [17-2799](#) Approval of BAZ-1987 (rezoning), The Villas at Turnberry, 5.46 acres, CG to RS-4, south and west of the southwest corner of Dearborn Street and 37th Street
- Attachments:** [1-PLANNING STAFF REPORT.pdf](#)
[2-CASE MAP.BAZ-1987.pdf](#)
[3-AERIAL.BAZ 1987.pdf](#)
[4-COMP PLAN.BACP 160.pdf](#)
[5-CONCEPTUAL SITE PLAN.pdf](#)
[6-TURNBERRY COMMERCIAL RECORDED PLAT.PDF](#)
- P. [17-2846](#) Approval of BAZ 1988 (rezoning), Legacy Futsal, 2.41 acres, A-1 to CG, one-quarter mile north of Houston Street and one-quarter mile east of 23rd Street, south of the Broken Arrow Expressway
- Attachments:** [1-PUBLISHED PLANNING COMMISSION FACTSHEET](#)
[2-CASE MAP.BAZ-1988](#)
[3-AERIAL.BAZ 1988](#)
[4-COMPREHENSIVE PLAN](#)
[5-COUCH ADDITION PLAT](#)
[6-ORD 1427 1986 ANNEXING_SEC 7](#)
- Q. [17-2851](#) Approval of PT12-111B, Conditional Final Plat, Starbucks at Aspen Creek, 1 lot, 1.42 acres, A-1 to PUD 220/CH, one-third mile east of Aspen Avenue, north of Tucson Street
- Attachments:** [1-PUBLISHED STAFF REPORT](#)
[2-CHECKLIST STARBUCKS AT ASPEN CREEK](#)
[3-CONDITIONAL FINAL PLAT AND COVENANTS](#)
[4-SITE PLAN SUBMITTED SEPTEMBER 12, 2017](#)
- R. [17-2841](#) Acceptance of a Utility Easement from Tahoe Properties, LLC, on property located one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 34, T19N, R14E)
- Attachments:** [1-Easement Dedication](#)
[2-Legal - Tahoe](#)

- S. [16-1593](#) Approval of the Broken Arrow City Council Claims List for November 07, 2017

Attachments: [11-07-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A. [17-2855](#) Presentation of Financial Results for the three months ending September 30, 2017 for the General Fund, Police Sales Tax Fund, Fire Sales Tax Fund, Sales Tax Capital Improvements Fund and the Broken Arrow Municipal Authority

Attachments: [11-07-17 Financial Overviews](#)

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. [17-2845](#) Consideration, discussion, and possible approval of the nomination and appointment of Mayor Craig Thurmond to the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term expiring September 30, 2019

- B. [17-2866](#) Review and authorization of publishing Request For Proposals (RFP's), to create an Innovation District Plan and authorize staff to proceed with the process of retaining a consulting firm

Attachments: [Innovation District RFP Draft.docx](#)

- C. [17-2856](#) Consideration, discussion, and possible approval to grant waivers for properties owned by Troy and Angel Kraus located within the SteepleChase Farms subdivision and David Lewis and Rebecca Rodriguez within the Glen Eagles subdivision regarding the Assessment District initiated in 2007

Attachments: [Kraus Denial Letter](#)
[Kraus Appeal Request Letter](#)
[Lewis Denial Letter](#)
[Lewis and Rodriguez Appeal Request](#)

- D. [17-2858](#) Consideration, discussion, and possible approval to a grant waiver for property owned by Yeshi and Selemona Reshedo located within the SteepleChase Farms subdivision regarding the Assessment District initiated in 2007

Attachments: [Reshedo Hardship Request](#)

- E. [17-2843](#) Consideration, discussion, and possible approval of and authorization to execute an Engagement Letter with the law firm of Hawkins, Delafield, and Wood, LLP, to function as special counsel in connection with certain federal securities law matters relating to the City's disclosure practices in connection with the City's issuance and administration of general obligation bonds issued by the City

Attachments: [Engagement Letter.doc](#)
[bio for Kenneth B Roberts.pdf](#)
[Bio for Daniel Birmingham.pdf](#)
[Bio for John McNally.pdf](#)

- F. [17-2800](#) Consideration, discussion, and possible action regarding PUD 266 (Planned Unit Development) and BAZ-1986 (rezoning), Centennial Crossing, 19.64 acres, A-1 to PUD 266/RM, east of North Elm Avenue, one-quarter mile south of Omaha Street

Attachments: [1-FACT SHEET.PLANNING COMMISSION.pdf](#)
[2-CASE MAP.PUD 266 & BAZ-1986.pdf](#)
[3-AERIAL.PUD 266 & BAZ 1986.pdf](#)
[4-CASE MAP.BACP 96.pdf](#)
[5-PUD DESIGN STATEMENT AND SITE PLAN.\(09-29-2017\).pdf](#)
[6-DRAFT PUD SUBMITTED WITH BACP 146.\(08-04-2015\).pdf](#)

- G. [17-2853](#) Consideration, discussion, and possible approval of deferment of Excess Capacity Sewer Fee for the Tee Town Golf Ranch Plat, 28.1104 acres, A-1, east of 37th Street, one-third mile south of Kenosha Street

Attachments: [1-AERIAL MAP](#)
[2-City Council Minutes 07_01_2002](#)
[3-AFFIDAVIT TEE TOWN GOLF RANCH](#)
[4-FACTSHEET.SP 285.JMW.12OCT2017](#)
[5-FACTSHEET.BAL 2026.JMW.OCT 12 2017](#)
[6-Tee Town Golf Ranch Plat](#)
[7-BAL 2026.Lot Split Legal Descriptions and Exhibits](#)

- H. [17-2794](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1062, a Resolution requesting assistance from the Oklahoma Department of Transportation in regard to constructing an industrial road to serve the Alfa Laval facility

Attachments: [10-17-17 RES. No. 1062.docx](#)
[60% Estimate](#)

- I. [17-2865](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1066, a resolution authorizing the City Attorney to enter into a final Journal Entry of Judgment in the matter of City of Broken Arrow v REIP, LLC; Gordon-Williams Development, Inc.; Transok Pipe Line Company; Sunoco Mid-Con (IN) LLC; Sunoco Partners Real Estate Acquisition, LLC; Board of County Commissioners of Tulsa County; and Dennis Semler, County Treasurer, Treasurer of Tulsa County, Oklahoma Tulsa County District Court Case CJ-2017-01169, authorizing damages in the amount of \$155,000.00 and conveyance of approximately 0.067 acres of land generally located to the south and west of the southernmost dam and presently used as a pond; declaring the 0.067 acres of land generally located to the north of Broken Arrow Expressway west of North Juniper Place and West Concord Street adjacent to Battle Creek Golf Course surplus and authorizing conveyance of the land to REIP, LLC pursuant to a Quit Claim Deed and the Court's order; approving and authorizing the execution of certain documents necessary to accomplish the declaration of surplus and transfer of title; and containing other provisions relating thereto

Attachments: [RESOLUTION NO 1066](#)
[Journal Entry of Judgment CJ-2017-01169 COBA v REIP](#)

10. Preview Ordinances

- A. [17-2811](#) Consideration, discussion, and possible preview of an ordinance amending Chapter 15, Article I, in General, Section 15-1. - Nuisance code, Article II, Property Maintenance Code, Section 15-44. - Adopted, Sec. 15-45. - Amendments, specifically amending to adopt the 2015 International Property Maintenance Code, of the Broken Arrow Code; repealing all ordinances to the contrary, and declaring an emergency

Attachments: [Preview Ordinance.docx](#)

11. Ordinances

- A. [17-2808](#) Consideration, discussion, and possible adoption of Ordinance No. 3500, an ordinance closing all utility easements on property located in Part of Lot Two (2), Block One (1), Tiger Plaza, a subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma, generally located north of Kenosha and east of 23rd Street; repealing all ordinances to the contrary; and declaring an emergency (QuikTrip #33)

Attachments: [Ordinance 3500.doc](#)
[Application.pdf](#)
[Legal. - Closure 1.pdf](#)
[Location Map.pdf](#)

- B.** [17-2809](#) Consideration, discussion, and possible adoption of Ordinance No. 3501, an ordinance closing utility easements on property located in Part of Lot One (1), Block One (1), Wagoner County Line Plaza, a subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma, generally located north of Kenosha and east of 23rd Street; repealing all ordinances to the contrary; and declaring an emergency (QuikTrip #33)

Attachments: [Ordinance 3501.doc](#)
 [Application.pdf](#)
 [Legal - Closure 2.pdf](#)
 [Preliminary Plat map-pg 1.pdf](#)
 [Preliminary Plat map-pg 2.pdf](#)

- C.** [17-2810](#) Consideration, discussion, and possible adoption of Ordinance No. 3502, an ordinance closing a utility easement on property located in the Northeast Quarter (NE/4) of Section Thirty Four (34), Township Nineteen (19) North, Range Fourteen (14) East, Wakefield Heights at Battle Creek, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located south of Omaha Street and one-half mile west of Elm Place; repealing all ordinances to the contrary; and declaring an emergency (Yancy Thompson)

Attachments: [Ordinance 3502.doc](#)
 [3-UTILITY EASEMENT VACATION EXHIBIT.pdf](#)
 [4-RECORDED PLAT Wakefield Heights.pdf](#)

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 matter of Juan Rodriguez v. City of Broken Arrow, Case No. CJ 2017 978, 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); and**
- 2. litigation, including potential resolution, of a matter involving the matter of Saleem Boon v. City of Broken Arrow, Case No. CJ 2017 3816, 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); and**
- 3. litigation, including potential resolution, of a matter involving the matter of Roger & Geanie Tilley v. City of Broken Arrow, Case No. CJ 2011 266, in the District Court of Wagoner 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); and**
- 4. discussing the purchase and appraisal of real property located at the Southwest corner of the intersection of South 23rd Street and East 115th Street South, and taking appropriate action in open session, including making an offer of purchase, under 25 O.S. §307(B)(3);**

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 and the purchase and appraisal of real property 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