



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

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

Tuesday, February 6, 2018

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. [18-200](#) Approval of City Council Meeting Minutes of January 16, 2018
- B. [18-210](#) Approval of City Council Special Meeting Minutes of January 13, 2018
- C. [18-244](#) Approval of modified Request to Appear forms and Guidelines for City Council meetings and all other City Boards and Commissions meetings
- D. [18-243](#) Approval of and authorization to execute the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust Adoption Agreements
- E. [18-220](#) Approval of and authorization to execute a Second Amendment to Amended and Restated Site Use/Lease Agreement with New Cingular Wireless, PCS, LLC
- F. [17-2795](#) Approval of and authorization to purchase call queuing and reporting program from Chickasaw Telecom pursuant to the Oklahoma state contract
- G. [18-216](#) Approval of and authorization to execute a license for Oklahoma Turnpike Authority Right-of-Way Access associated with the Cottages at Cedar Ridge Sanitary Sewer located east of Garnett Road and a half-mile south of Washington Street

- H. [18-217](#) Approval of and authorization to execute a license for Oklahoma Turnpike Authority Utility Crossing associated with the Cottages at Cedar Ridge Sanitary Sewer located east of Garnett Road and a half-mile south of Washington Street

- I. [18-239](#) Approval of and authorization to execute an Agreement for Professional Consultant Services with Olsson Associates for Master Plan Design of “Aspen Creek Park” and Valley Ridge Park

- J. [18-228](#) Approval of and authorization to execute Amendment No. 1 to Computer Aided Drafting Design (CADD) and Related Technical Support Services Professional Services Contract Number: CADD 17-01 with The Schemmer Associates, Inc.

- K. [18-195](#) Approval of Downtown Residential Overlay Study Pay Request Number 11 in the amount of \$4,000.00 for Phase Four to be paid through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$4,000.00 using Sales Tax Capital Improvement Program Funds

- L. [18-197](#) Approval of Downtown Residential Overlay Study Pay Request Number 12 in the amount of \$5,500 for Phase Four to be paid through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$5,500.00 using Sales Tax Capital Improvement Program Funds

- M. [18-191](#) Approval of and authorization to reject the previously awarded Statewide Contract bid from Vance Chevrolet for the purchase of a Chevrolet Tahoe and award the bid to Hudiburg Chevrolet on the Statewide Contract

- N. [18-237](#) Award the lowest responsible bid to Stronghand, LLC and approve and authorize execution of a construction contract for Central Park Family Aquatic Center Pool Slide and Raindrop Spray Resurfacing (Project No. 186004)

- O. [18-234](#) Award the lowest responsible bid to Ground Level, LLC., and approve and authorize execution of a construction contract for Veteran’s Park Phase II (Project No. 186019-176010)

- P. [18-156](#) Approval of and authorization to execute Change Order #3 for Construction Contract Bid No. 16.162A; Portland Cement Concrete Repair

- Q. [18-212](#) Approval and authorization of Final Acceptance for the public improvements at Bentley Square located at South West Corner of Jasper Street and Aspen Avenue

- R. [18-211](#) Approval and authorization of Final Acceptance for the public improvement at Bixby Northeast Intermediate School located at 11900 East 131st Street

- S. [18-219](#) Approval of PT16-114A, Conditional Final Plat, Whiskey Ridge, 239 lots, 85.93 acres, A-1 to PUD-256/RS-4, southeast corner of 23rd Street and Rockford Street

- T. [18-192](#) Approval of PT17-104, Conditional Final Plat, Top Dog Training Facility, 1 lot, 4.14 acres, A-1 to PUD (Planned Unit Development) 264/A-1, northeast corner of Tucson Street and 9th Street

- U. [18-215](#) Approval of PUD-204A, a request for a major amendment to PUD-204, Creek 51 Business Park, 11.877 acres, A-1 to CG and IL/PUD-204, one-half mile south of Houston Street, west of Highway 51, and west of the Creek Turnpike

- V. [18-233](#) Approval of and authorization to execute Resolution No. 1083, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 10, which consists of 0.25 acres of permanent right-of-way for 23rd Street, Houston to Kenosha, in the Northwest Quarter of Section 7, Township 18 North, Range 15 East, at the intersection of 23rd Street and Archdale Street, from Shirley D. Ketcher, and authorize payment in the amount of \$75,000.00, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

- W. [18-235](#) Approval of and authorization to execute Resolution No. 1084, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 11, which consists of 0.25 acres of permanent right-of-way for 23rd Street, Houston to Kenosha, in the Northwest Quarter of Section 7, Township 18 North, Range 15 East, at the intersection of 23rd Street and Archdale Street, from Donald N. Stacey, and authorize payment in the amount of \$ 100,000.00, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

- X. [18-193](#) Approval of the Amendment of the Plat and Deed of Dedication and Restrictive Covenants of Shadow Trails, PT13-100, one-quarter mile west of Olive Avenue, south of Tucson Street

- Y. [18-86](#) Acceptance of a Detention Easement from Green Property Management, Inc., on property located one-quarter mile north of Houston Street and one-half mile east of Midway Road, Wagoner County, State of Oklahoma, (Section 11, T18N, R15E)(Kensington Ridge II)

- Z. [18-238](#) Acceptance of a Utility Easement from Hillside Development, LLC, on property located north of the Broken Arrow Expressway, a quarter mile west of 9th Street, Tracts B-1 and B-2, Lot 4, Block 2, Hillside Crossings, Tulsa County, State of Oklahoma, (Section 2, T18N, R14E)

- AA. [18-10](#) Approval of the Broken Arrow City Council Claims List for February 06, 2018

6. Consideration of Items Removed from Consent Agenda

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

- A. [18-250](#) A public hearing regarding the annexation of property located on approximately 38.73 acres of land located in the East Half (E/2) of the Southwest Quarter (SW/4) of Section Eleven (11), Township Eighteen (18) North, Range Fifteen (15) East of the Indian Base and Meridian (I.B.&M.), Wagoner County, State of Oklahoma

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. [18-246](#) Presentation of Financial Results Presentation for the six months ending December 31, 2017 for the General Fund, Police Sales Tax Fund, Fire Sales Tax Fund, Sales Tax Capital Improvements Fund and the Broken Arrow Municipal Authority
- B. [18-225](#) Consideration, discussion, and possible acceptance of the Oklahoma Department of Environmental Quality issued Consent Order with the tasks outlined penalties listed and authorization of the Mayor to approve and execute the Consent Order
- C. [18-218](#) Consideration, discussion, and possible approval of Resolution No. 1064, a Resolution of Necessity to Condemn Property located in the NW/4 of Section 7, T-18-N, R-15-E of the Indian Meridian, Wagoner County, State of Oklahoma, for the 23rd Street, Houston to Kenosha, Widening Project (Project No. ST0914)
- D. [18-256](#) Consideration, discussion, and possible approval of Resolution No. 1082, a Resolution authorizing the City Council of The City of Broken Arrow to initiate an action for Declaratory Relief against Henry and Vestina Hanewinkel and Brown and Perkins, LLC to determine what zoning classification should be applied to a tract of land consisting of 19.64 acres of land located east of North Elm Avenue, and One-Quarter mile south of Omaha Street in Broken Arrow, Tulsa County, State of Oklahoma
- E. [18-89](#) Consideration, discussion, and possible approval of Resolution No. 1085, a Resolution of the Broken Arrow Mayor and City Council Adopting the City of Broken Arrow Multi-Hazard Mitigation Plan for the City of Broken Arrow, Oklahoma

- F. [18-257](#) Consideration, discussion, and possible approval of Resolution No. 1087, a Resolution of the Broken Arrow City Council declaring approximately 5.2225 acres of city-owned property identified as Tracts 1A, 1B, and 2B Combined of Lot 2, Block 1, Tiger Hill Plaza, a Platted Subdivision within The City of Broken Arrow, Tulsa County, State of Oklahoma, and generally located on the southwest corner of Lynn Lane (9th Street) and Kenosha Street (71st Street) Surplus and authorizing transfer to the Broken Arrow Economic Development Authority, an Oklahoma public trust of which The City of Broken Arrow is the sole beneficiary for good and valuable consideration and specifically for the public purpose of furthering the City's economic development goals; and approving and authorizing the execution of certain documents necessary to accomplish the declaration of surplus and transfer of Title, including a General Warranty Deed; Repealing Resolution No. 866 of the City of Broken Arrow declaring approximately 6.84 acres of city-owned property located on the southwest corner of Lynne Lane (9th Street) and Kenosha Street (71st Street) surplus and authorizing transfer to The Broken Arrow Economic Development Authority; and containing other provisions relating thereto
- G. [18-229](#) Consideration, discussion, and possible award of the lowest responsible bid to Ellsworth Construction, L.L.C., and approve and authorize execution of a construction contract for 9th Street Widening, Elgin to El Paso (Project No. ST1210)

10. Preview Ordinances

- A. [18-251](#) Consideration, discussion and possible preview of an Ordinance annexing property located in the East Half (E/2) of the Southwest Quarter (SW/4) of Section Eleven (11), Township Eighteen (18) North, Range Fifteen (15) East of the Indian Base and Meridian (I.B.&M.), Wagoner County, State of Oklahoma, repealing all ordinances to the contrary; and declaring an emergency

11. Ordinances

- A. [18-242](#) Consideration, discussion, and possible adoption of Ordinance No. 3513, an ordinance repealing Chapter 2 of the Broken Arrow Code, Article XVI, Broken Arrow Downtown Advisory Board, Sections 2-230, 2-231, 2-232, 2-233 and 2-234; 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 litigation titled Premier Site Development, LLC v. City of Broken Arrow et al, Tulsa County District Court Case No. CJ-2013-00473, and taking appropriate action in open session, including possible authorization to settle this litigation and withdrawal of Motion for Fees and Costs, under 25 O.S. §307(B)(4).**

- 2. Litigation, including potential resolution, of a matter involving titled Henry and Vestina Hanewinkel v. City of Broken Arrow, et al, Case No. CJ-2018-00012, 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).**

- 3. Pending litigation of a matter titled Patrick Dwayne Murphy v. Terry Royal Warden, Oklahoma State Penitentiary, Case No. Tenth Circuit Court of Appeals, and taking appropriate action in open session, under 25 O.S. §307(B)(4).**

- 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