



# City of Broken Arrow

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

## Meeting Agenda

### City Council

**Mayor Craig Thurmond**  
**Vice Mayor Richard Carter**  
**Council Member Mike Lester**  
**Council Member Johnnie Parks**  
**Council Member Scott Eudey**

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Tuesday, February 2, 2016

6:30 PM

Council Chambers

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### AMENDED AGENDA

**1. Call to Order**

**2. Invocation**

**3. Roll Call**

**4. Pledge of Allegiance to the Flag**

**5. Consideration of Consent Agenda**

- A. [16-107](#) Approval of City Council Minutes for meeting of January 19, 2016
- B. [16-111](#) Approval of and authorization to pay the City's share of the Non-Participating Costs of the Midway Road and East 101st Street Project (Project No. STPY-173D(177)UR, State Job No. 28905(04))
- C. [16-108](#) Approval of and authorization to execute Earth Change Pay Request Number 6 for Tri-Star Construction, LLC through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center
- D. [16-105](#) Approval of and authorization to execute Pay Request Number 7 for Professional Design Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center
- E. [16-091](#) Ratification of an Amendment to the Regional Metropolitan Utility Authority (RMUA) Operation Agreement regarding the Haikey Creek Wastewater Treatment Plant extending the time period from 42 to 43

years

- F. [16-094](#) Approval of and authorization to execute Amendment No. 1 to the Agreement for Professional Consultant Services with RL Shears Company, P.C., for Detailed Design of Downtown Main Street Streetscape Phase IV
- G. [16-093](#) Approval of and authorization to execute Amendment No. 1 to the Agreement for Professional Consultant Services with RL Shears Company, P.C., for the Rose District Farmers Market Water Feature
- H. [16-106](#) Approval of and authorization to execute a Letter Agreement with Hillcrest Medical Center, under the Hillcrest Exercise and Lifestyle Programs, for the Broken Arrow Fire Department uniformed employee's biennial physical examinations
- I. [16-083](#) Approval of and authorization to purchase 40 Dell Latitude 14 Rugged 5404 Laptop Computers for the Police Department (mobile data system) pursuant to the Western States Contracting Alliance as bid by the Central Purchasing Division of the Department of Central Services for the State of Oklahoma (the State Contract)
- J. [16-084](#) Approval of and authorization to purchase 10 Dell Latitude 14 Rugged 5404 Laptop Computers for the Police Department (mobile data system) pursuant to the Western States Contracting Alliance as bid by the Central Purchasing Division of the Department of Central Services for the State of Oklahoma (the State Contract)
- K. [16-085](#) Approval of and authorization to accept the public improvements for Stone Horse subdivision located at North East corner of 131st Street South and 129th East Avenue
- L. [16-090](#) Approval of and authorization to accept the public improvement for The Shops at Aspen Creek located at Tucson and Elm
- M. [16-102](#) Approval of PT15-111, Conditional Final Plat, Oak Estates, 15 lots, 13.04 acres, A-1 to PUD 239.RS-2, one-quarter mile south of the southeast corner of Jasper Street and Garnett Road
- N. [16-101](#) Approval of PT15-116, Conditional Final Plat, Collision Works, a Replat of Steele Morrel Center, 2 lots, 2.64 acres, CH to PUD 243/CH and IL, southeast corner of Kenosha Street and 14th Street, south of Kenosha Street, one-third mile east of 9th Street
- O. [16-099](#) Approval of PUD 246 (Planned Unit Development) and BAZ 1951

(Re-zoning request), Walnut Grove, 7.83 acres, A-1 to RE/PUD 246, one-quarter mile south and one-quarter mile east of the southeast corner of Jasper Street and Garnett Road

- P. [16-100](#) Approval of PUD 247 (Planned Unit Development), Kum and Go 837, 1.72 acres, CN, west of Oneta Road, north of State Highway 51
- Q. [16-098](#) Approval of PUD 248 (Planned Unit Development), 51 Aspen Mini Storage, 5.82 acres, A-1 to PUD 248/IH, one-third mile west of Evans Road, south of State Highway 51
- R. [16-126](#) Approval of the Broken Arrow City Council Claims List for February 02, 2016

#### **6. Consideration of Items Removed from Consent Agenda**

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

- A. [16-113](#) Recognition of Paul Gerner as Reserve Officer of the Year
- B. [16-104](#) Presentation and discussion of the Annual Report

#### **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. [16-136](#) Consideration, discussion, possible approval of and authorization to execute a Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to the Creative Arts Center in the Rose District Project
- B. [16-075](#) Consideration and possible approval of BAZ 1941 (rezoning request), The Crossings at 71st (Park Place), 80.00 acres, rezoning A-1 to RS-3, east of Midway Road, one-quarter mile north of Kenosha Street
- C. [16-081](#) Consideration, discussion and possible approval of Resolution No. 903, a Resolution authorizing the City Attorney to agree to entry of judgment without admitting liability in the matter of Bank of America, N.A. v. Vicky L. Nettles, et al., Tulsa County District Court Case No. CJ-2015-1352, and directing the City Attorney to prepare and file the necessary documents to effectuate the Journal Entry of Judgment, including the resolution of the Court's approval pursuant to 51 O.S. §

158.

- D. [16-112](#) Consideration, discussion and possible approval of Resolution No. 904, a Resolution authorizing the Legal Department to file an Answer agreeing to vacate the Steele-Morrell Center Plat and part of the Arrow Village Plat, generally located on 71st Street (Kenosha Street) and 14th Street, and waiving any objections to the Petition to Vacate as consistent with the requirements for the approval of PUD 243 and BAZ 1946, in the matter of Collision Works Properties, LLC v. City of Broken Arrow, Tulsa County District Court Case No. CV-2016-0056

## 10. Preview Ordinances

- A. [16-103](#) Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 8, Cemeteries, Article II Park Grove Cemetery; Division 2. Babyland; Sec. 8-51., Created, to reflect the actual area used, Blocks 33 through 36, as designated for Babyland use, Sec. 8-55., Monuments and Markers, updated to include upright markers; and adding Division 3, Sec. 8-56., Created; Sec. 8-57. Niche, Sec. 8-58., Use of Property, Sec. 8-59., Identification of remains, Sec. 8-60., Cremains location, Sec. 8-61., Decorations, Sec. 8-62., Urn requirement, Sec. 8-63., Niche repair or destruction, Sec. 8-64., Errors, all providing for associated niche servicing and designating the remaining vacant blocks, Blocks 28 through 32 and Block 37 as an area for cremation niches; repealing all ordinances to the contrary; and declaring an emergency
- B. [16-082](#) Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 23, Traffic, Division 2, Parking Meters; Section 23-154. - Meter zones; installation of meters; marking of metered spaces; and parking zones, specifically deleting Section 23-154(C)(1) and (2) which defines the boundaries of the central business district, deleting reference to the central business district to be replaced by the Rose District; and to allow defendants who receive parking citations in the area to request to be placed on a Municipal Court docket to be heard before a Municipal Court Judge; repealing all ordinances to the contrary; and declaring an emergency
- C. [16-134](#) Consideration, discussion and possible preview of an ordinance temporarily establishing an alternative process for the review and issuance of building permits for buildings or structures designed for residential uses and proposed for location in downtown Broken Arrow,

more specifically described as the one-half square mile area south of Kenosha Street, north of Houston Street, east of Elm Place and west of First Street; providing for an appeal process; providing effective and repeal dates; providing severability; and declaring an emergency

## 11. Ordinances

- A. [16-021](#) Consideration, discussion and possible adoption of Ordinance No. 3386, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1685, granting a RS-3 zoning classification to be placed upon the tracts, generally located east of Olive Avenue, one-quarter mile north of Jasper Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. [16-065](#) Consideration, discussion and possible adoption of Ordinance No. 3387, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1622, granting a RS-3 zoning classification to be placed upon the tracts, generally located one-half mile west of 23rd Street, south of New Orleans Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. [16-066](#) Consideration, discussion and possible adoption of Ordinance No. 3388, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1678, granting a CH zoning classification to be placed upon the tracts, generally located on the northeast corner of Albany Street and 23rd Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. [16-067](#) Consideration, discussion and possible adoption of Ordinance No. 3389, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1918, granting an IL zoning classification be placed upon the tract along with PUD 227, generally located south of State Highway 51, one-quarter mile west of Evans Road, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. [16-069](#) Consideration, discussion and possible adoption of Ordinance No. 3390, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1640 and BAZ 1657, granting a RS-3 zoning classification to be placed upon the tracts,

generally located one-quarter mile north of Houston Street, one-quarter mile west of Evans Road, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- F. [16-070](#) Consideration, discussion and possible adoption of Ordinance No. 3391, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1914, granting an ON zoning classification be placed upon the tracts, generally located one-quarter mile south of Florence Street, east of Aspen Avenue, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G. [16-071](#) Consideration, discussion and possible adoption of Ordinance No. 3392, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1920, granting an RM zoning classification be placed upon the tract along with PUD 229, generally located on the southeast corner of Elm Place and Florence Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- H. [16-072](#) Consideration, discussion and possible adoption of Ordinance No. 3393, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1926, granting an CG zoning classification be placed upon the tract along with PUD 233, generally located north and east of the northeast corner of 9th Street and Albany Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- I. [16-073](#) Consideration, discussion and possible adoption of Ordinance No. 3394, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1344, granting an IL zoning classification be placed upon the tracts, generally located one-quarter mile south of Albany Street, one-half mile west of Aspen Avenue, has been platted as A.G. Industrial Park East, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- J. [16-074](#) Consideration, discussion and possible adoption of Ordinance No. 3395, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1916, granting a CH zoning classification be placed upon the tract along with PUD 226, generally located one-third mile south of Omaha Street, west of Aspen, repealing all ordinances or parts of ordinances in conflict herewith, and declaring

an emergency

- K.**     [16-096](#)     Consideration, discussion and possible adoption of Ordinance No. 3408, an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 7, Business Regulations and Licenses, Article IV, Private Detectives, Patrolmen and Guards, Sections 17-61 through 17-70 Repealed, and Sections 17-71 through 17-74 Reserved, specifically to include regulation of Pedicabs; 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, and the City Attorney, and possible action in open session regarding pending tort claims, including potential resolution, potential settlement, acceptance or denial of the claims and taking appropriate action in open session regarding the tort claim filed by Gary Clark; and the tort claim of Sandra Ventures, LLC, under 25 O.S. §307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending tort claims 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.**

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**City Clerk**