



City of Broken Arrow
Meeting Agenda
City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Tuesday, July 5, 2016

6:30 PM

Council Chambers

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [16-680](#) Approval of City Council Meeting Minutes of June 6, 2016
- B. [16-724](#) Approval of City Council Meeting Minutes of June 20, 2016
- C. [16-712](#) Acceptance of minutes of Planning Commission meeting held May 26, 2016
- D. [16-730](#) Approval to Purchase the Fiscal Year 2016-17 Property and General Liability Coverage Policy with Hartford Underwriters Insurance Company for the City-Owned Building Occupied by Bass Pro Shops
- E. [16-732](#) Approval to Purchase the Fiscal Year 2016-17 Citywide Property Insurance Policies with the Oklahoma Municipal Assurance Group (OMAG) and Chubb Insurance
- F. [16-731](#) Approval to Purchase the Fiscal Year 2016-17 Battle Creek Golf Course Business Insurance Policy with Philadelphia Insurance Company
- G. [16-723](#) Approval of and authorization to execute Budget Amendment Number 4 - Final for Fiscal Year 2016
- H. [16-687](#) Ratification of Workers' Compensation Compromise Settlement for Daniel Haas, a former Fire Department Employee
- I. [16-714](#) Approval of and authorization to declare the Month of July National Parks and Recreation Month in the City of Broken Arrow
- J. [16-738](#) Approval of and authorization to execute an Agreement for Professional Consultant Services with PDG, LLC, dba Planning Design Group for Design

of Indian Springs Sports Complex Baseball and Soccer Improvements
(Project No. 166028)

- K. [16-713](#) Approval of and authorization to execute the City of Broken Arrow Annual Services Contract with Broken Arrow Seniors, Inc.
- L. [16-741](#) Consideration, discussion, possible approval of and authorization to execute a negotiated Contract for Sale of Real Estate for a tract of land located at the southeast corner of First Place and Washington Street, part of the North Half of the North Half of the Northwest Quarter of the Northwest Quarter, less the east 858 feet and less the west 63 feet for roadway and less the north 60 feet thereof for roadway, Section 23, Range 18 North, Township 14 East, Tulsa County, 2.466 acres, for New Fire Station No. 7 (Project No. 173513)
- M. [16-706](#) Approval of and authorization to execute a Parks and Recreation Use Agreement with the Broken Arrow Volleyball Club for the use of Nienhuis Park Community Center and Central Park Community Center
- N. [16-750](#) Approval of and authorization to execute a Purchase Order to Select Trees for trees to be procured for Streetscapes Phase IV, to include payment of a deposit for the supplier to hold the trees until the construction contractor's delivery date (Project No. 161709)
- O. [16-742](#) Approval of and authorization to execute Change Order C02 for Construction Contract Number 161708, Farmers Market Interactive Water Feature
- P. [16-711](#) Approval of PT16-104, Conditional Final Plat, JDC Houston Street Addition, 1 lot, 38.62 acres, A-1 to IL/PUD 245, north of Houston Street, one-quarter to one-half mile east of 9th Street
- Q. [16-744](#) Acceptance of a General Warranty Deed from St. John Building Corporation on a platted parcel of land, located on the Stoneridge Towne Center property just north of Albany Street, west of Elm Place, Broken Arrow, Tulsa County, State of Oklahoma, (Section 34, T19N, R14E)
- R. [16-718](#) Consideration, discussion, possible approval and authorization to execute a Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2016 Taste of Summer
- S. [16-734](#) Approval of the Broken Arrow City Council Claims List for July 05, 2016

6. Consideration of Items Removed from Consent Agenda

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

- A. [16-740](#) Recognition of K-9 Officer Marque Baldwin and partner Jireh for receiving The North American Police Work Dog Association's Valor Award
- B. [16-757](#) Presentation on Hillside Drive Street Closure due to natural gas leak of Oklahoma Natural Gas transmission line at Albany Street (East 61st Street South) intersection

- C. [16-748](#) Presentation regarding the Road Closure for Omaha Street between 23rd and 37th Streets in Association with Silverleaf Subdivision Public Improvements

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. [16-733](#) Consideration, discussion, and possible action on a Workers' Compensation Court Order for Ruby "Gina" Orey, former Utilities Department Employee, including approval of the Order, authorization for payment or direction to appeal
- B. [16-755](#) Consideration, discussion, and possible action on pending tort claims filed by Daniel and Kimberly O'Barr, Kim Longacre, Ricky Beach, and State Farm Insurance Company, including potential resolution, potential settlement, acceptance or denial of the claims
- C. [16-753](#) Approval of and authorization to execute an Amendment to Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to improvements in the Rose District
- D. [16-722](#) Consideration, discussion, possible approval of and authorization to execute Resolution No. 930, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances

10. Preview Ordinances

- A. [16-719](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article III, Traffic Control Devices, Section 23-110. - Repealed; specifically bringing this section into compliance with state law regarding penalties involving driving through barricades and traffic control devices during flooding; repealing all ordinances to the contrary; and declaring an emergency
- B. [16-710](#) Consideration, discussion, and possible preview of an Ordinance amending Chapter 24, Article 1, Section 24-18--Restricting use of water during emergency; specifically providing that emergency water restrictions will be handled in accordance with the City of Broken Arrow's Water Conservation Program; repealing all ordinances to the contrary; and declaring an emergency

11. Ordinances

- A. [16-709](#) Consideration, discussion, and possible adoption of Ordinance No. 3438, an Ordinance for the voluntary annexation of property for the development of a Kum and Go No. 837 on 1.15 Acres of land located at 9904 South 241st East Avenue, Broken Arrow, OK more particularly described as Lot 9, Block 2, Prairie Dale, a subdivision, in part of the E/2 of the SE/4 of Section 21, Township 18 North, Range 15 East of the Indian Base and Meridian,

Wagoner County, State of Oklahoma, repealing all ordinances to the contrary, adopting a service plan, 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 the following:

- 1. Pending tort claims, including potential resolution, potential settlement, acceptance or denial of the claims and taking appropriate action in open session regarding the tort claims filed by Daniel and Kimberly O’Barr, Kim Longacre, Ricky Beach and State Farm Insurance Company, under 25 O.S. §307(B)(4); and**
- 2. A settlement demand/claim and possible litigation submitted by Lamar Outdoor Advertising regarding the removal of billboards from the City right-of-way located north of the Broken Arrow Expressway, along West Fargo Street, west of Aspen Avenue, and possible action in open session including authority to accept or deny the demand; under 25 O.S. §307(B)(4); and**
- 3. A workers’ compensation claim filed by Gina Orey, including possible approval or direction to appeal the Order of the Workers’ Compensation Court, in open session, under 25 O.S. §307(B)(4); and**
- 4. Economic development and specifically discussing an economic development proposal involving a commercial and retail establishment proposed for the north side of Tiger Hill (on the southwest corner of Lynn Lane and Kenosha), to include the potential transfer of property, financing, and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development proposal, under 25 O.S. §307(C)(10); and**
- 5. The appraisal of the north side of Tiger Hill (on the southwest corner of Lynn Lane and Kenosha) and possible action in open session, including authorization to obtain additional appraisals for this real property, under 25 O.S. §307(B)(3).**

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. 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, potential litigation and workers’ compensation in the public interest. The Council is further advised that the Executive Session is necessary to protect the confidentiality of the businesses and also that disclosure will impair the ability of the City Council to process the pending appraisal and development of an economic development proposal in the public interest.

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