



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, October 16, 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. [18-1023](#) Approval of Broken Arrow City Council Meeting Minutes of October 2, 2018
- B. [18-1214](#) Approval of and authorization to execute Amendment No. 1 to the City Council Travel Policy
- C. [18-1216](#) Approval of and authorization to accept Farmers Insurance Company's offer to settle a claim for vehicle loss, declaring the vehicle surplus and releasing it to Farmers Insurance Company
- D. [18-1209](#) Approval of and authorization to execute a Service Agreement between Two Oaks Investment, LLC and the City of Broken Arrow to continue to provide services for Workers' Compensation claims administration
- E. [18-1203](#) Approval of and authorization to execute Amendment No. 1 to Professional Consultant Agreement with Geodeca, LLC for Professional Surveying and related support services contract (Contract No. SURV-19-01)
- F. [18-1210](#) Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and John Barnhart, P.C., Attorneys and Counselors at Law for providing counsel and legal advice regarding workers' compensation matters

- G. [18-1169](#) Approval of and authorization to execute a Professional Services Contract with Destination Services, LLC to continue the implementation of the Strategic Plan for the Convention and Visitors' Bureau

- H. [18-1180](#) Approval of and authorization to execute a Third Amended Attorney Engagement Agreement between the City of Broken Arrow and Tammy Ewing for providing counsel and legal advice on an as-needed and as-assigned basis, which may include prosecution of Municipal Court cases, representation in State Court litigation and review of contracts and drafting ordinances and other documents

- I. [18-1204](#) Approval of and authorization to execute agreement with Oklahoma Natural Gas Company (ONG) for the relocation of existing ONG facilities in support of City of Broken Arrow project ST1411A - Albany Street (61st Street South) South Side Drainage Improvements

- J. [18-1183](#) Approval of and authorization to purchase one (1) ¾ ton regular cab truck, cab and chassis from Vance Country Ford, pursuant to the Oklahoma Statewide Vehicle Contract, for the Fire Department

- K. [18-1175](#) Approval of and authorization to purchase one (1) 1-ton, 15 passenger van from Carter Chevrolet, pursuant to the Oklahoma Statewide Vehicle Contract, for the Fire Department

- L. [18-1207](#) Notification of Professional Services Contracts with value of less than \$25,000

- M. [18-1182](#) Approval of BAZ-2012, Jang's FRC, 1.52 acres, 1 lot, R-1 to CH, southwest corner of Albany Street and Olive Avenue, north of the M.K.T. Railroad

- N. [18-1195](#) Approval of and authorization to execute Resolution No. 1142, a Resolution of Necessity to Condemn Property located in the SW/4 of Section 17, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma, for the Washington Street Improvements, Garnett to Olive, (Project No. ST1616)

- O. [18-1193](#) Approval of and authorization to execute Resolution No. 1144, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 10, which consists of 0.19 acres of Permanent Right-of-Way and 0.02 acres of Temporary Construction Easement for Florence Street Improvements, Olive To Aspen, located in the Northeast Quarter of Section 33, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Philip A. Bryce Revocable Trust, Philip A. Bryce, Trustee and the Mary E. Bryce Living Trust, Mary Elizabeth Bryce, Trustee and authorization of payment in the amount of \$20,520.00 for the Florence Street Improvements: Olive To Aspen, (Project No. ST1410)

- P.** [18-1198](#) Approval of and authorization to execute Resolution No. 1145, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 1, which consists of 0.49 acres of permanent Right-of-Way for Florence Street Improvements, Olive to Aspen, in Southwest Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Dukes Investments, LLC., and authorization of payment in the amount of \$34,450.00 for the Florence Street Improvements: Olive to Aspen, (Project No. ST1410)
- Q.** [18-1194](#) Approval of and authorization to execute Resolution No. 1146, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 8, which consists of 0.16 Acres of Permanent Right-of-Way for Washington Street Improvements, Garnett To Olive, in the Southeast Quarter of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from American Land Development Limited Partnership, the owner, and authorization of payment in the amount of \$3,526.00 to American Land Development Limited Partnership for the Washington Street Improvements, Garnett to Olive, (Project No. ST1616)
- R.** [18-1196](#) Approval of and authorization to execute Resolution No. 1147, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 9, which consists of 0.04 Acres of Permanent Right-of-Way for Washington Street Improvements, Garnett To Olive, in the Southeast Quarter of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from American Land Development Limited Partnership, the owner, and authorization of payment in the amount of \$970.00 to American Land Development Limited Partnership for the Washington Street Improvements, Garnett to Olive, (Project No. ST1616)
- S.** [18-1197](#) Approval of and authorization to execute Resolution No. 1148, a Resolution authorizing acceptance of a Temporary Construction Easement for Parcel 12A, which consists of 0.07 acres of Temporary Right-of-Way for Washington Street Improvements, Garnett to Olive, in the Northeast Quarter of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Janie Thomas, authorizing payment in the amount of \$1,800.00 for the Washington Street Improvements: Garnett to Olive, (Project No. ST1616)

- T. [18-1205](#) Approval of and authorization to execute Resolution No. 1149, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 17, which consists of 0.13 acres of Permanent Right-of-Way and 0.04 acres of Temporary Construction Easement for Florence Street Improvements, Olive To Aspen, located in the Northeast Quarter of Section 33, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Four P Properties LLC and authorization of payment in the amount of \$22,050.00 for the Florence Street Improvements: Olive To Aspen, (Project No. ST1410)
- U. [18-61](#) Approval of the Broken Arrow City Council Claims List for October 16, 2018

6. Consideration of Items Removed from Consent Agenda

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

- A. [18-1177](#) Presentation by the Tulsa City-County Library Staff to announce the results of the 2018 Summer Reading Program challenge

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. [18-1178](#) Consideration, discussion, and possible approval of SP-289 (Specific Use Permit), Events Center, 21.05 acres, A-1, one-quarter mile north of New Orleans Street, east of 1st Place
- B. [18-1224](#) Consideration, discussion and possible award of a bid to the lowest responsible bidder for the construction of a modified soldier wall for the Tiger Hill Plaza Project, located on the Southwest corner of Lynn Lane (9th Street) and Kenosha Street (71st Street) and possible authorization to execute a construction contract for the modified soldier wall

- C. [18-1211](#) Consideration, discussion, and possible approval and authorization to execute Resolution No. 1150, a Resolution providing for the issuance of General Obligation Refunding Bonds in a principal amount not to exceed Eight Million dollars (\$8,000,000) by the City of Broken Arrow, Oklahoma, for the purpose of refunding a portion of the city's outstanding general obligation bonded indebtedness; Establishing a not to exceed true interest cost and maturity date; Prescribing form of refunding bonds and providing for registration thereof; Providing a levy of an annual tax for payment of principal and interest on said refunding bonds; Approving an official statement for the refunding bonds; Waiving competitive bidding and designating an underwriter for the bonds and authorizing execution of a bond purchase contract, escrow fund agreement, continuing disclosure agreement and paying agent/registrars agreement; Approving legal services agreements and a financial services agreement with respect to the issuance of the bonds and providing other details of the issue
- D. [18-1219](#) Consideration, discussion, and possible approval and authorization to execute Resolution No. 1151, a Resolution fixing the amount of Series 2018B Bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the clerk to give notice of said sale as required by law; Approving the preliminary official statement pertaining to said bonds; Ratifying a legal service agreement with Kiser Law Firm, PLLC, Financial Advisor Services Agreement with Municipal Finance Services, Inc. and an Engagement Letter with the Hawkins, Delafield and Wood, LLP, Law Firm; And containing other provisions with respect to the issuance of General Obligation Bonds
- E. [18-1212](#) Consideration, discussion, and possible approval and authorization to execute Resolution No. 1152, a Resolution fixing the amount of Series 2018C Bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the clerk to give notice of said sale as required by law; and containing other provisions with respect to the issuance of general obligation bonds
- F. [18-1220](#) Consideration, discussion, and possible approval and authorization to execute Resolution No. 1153, a Resolution fixing the amount of Series 2018D Bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the clerk to give notice of said sale as required by law; Approving the Preliminary Official Statement pertaining to said bonds; And containing other provisions with respect to the issuance of General Obligation Bonds
- G. [18-1225](#) Consideration, discussion, and possible approval and authorization to execute Resolution No. 1154, a Resolution of the Broken Arrow City Council approving and authorizing an agreement between the City of Broken Arrow and Windstream

- H. [18-1170](#) Consideration, discussion, and possible approval of one voting delegate and one alternate voting delegate for the National League of Cities Annual Business Meeting held Saturday, November 10, 2018 in Los Angeles, California

10. Preview Ordinances - NONE

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 City Council, the City Manager, the City Attorney and any other pertinent staff members discussing and conferring on matters pertaining to:

- 1. Potential Litigation, including potential resolution of Elias Nuaman v. The City of Broken Arrow, a pending tort claim, including possible authorization to settle this tort claim, under 25 O.S. §307 (B)(4)**
- 2. Litigation, including potential resolution, of a matter involving the litigation case of The City of Broken Arrow v. Abatement Systems, Inc. et al., Wagoner County District Court Case Number CV-18-4, under 25 O.S. §307 (B)(4)**
- 3. Litigation, including potential resolution, of a matter involving the litigation case of Cloudi Mornings, LLC vs. City of Broken Arrow et al., Tulsa County District Court Case Number CV-2018-1213, under 25 O.S. §307(B)(4).**
- 4. Litigation, including potential resolution, of a matter involving the litigation case of Nikel Investment, LLC vs. City of Broken Arrow et al., Tulsa County District Court Case Number CJ-2017-01470, 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 and possible litigation and that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding 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.

City Clerk