



# 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*

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**Tuesday, September 4, 2018**

**6:30 PM**

**Council Chambers**  
**220 S. 1st Street**  
**Broken Arrow, OK**

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**1. Call to Order**

**2. Invocation**

**3. Roll Call**

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

**5. Consideration of Consent Agenda**

- A. [18-1009](#) Approval of City Council Meeting Minutes of August 21, 2018
- B. [18-995](#) Approval of and authorization to execute Budget Amendment Number 1 for Fiscal Year 2019
- C. [18-1025](#) Approval of the appointment of Police Chief Brandon Berryhill to the Youth Services of Tulsa County Inc. Board of Directors
- D. [18-1006](#) Approval of and authorization to execute a Proclamation declaring September 2018, as National Senior Center Month in the City of Broken Arrow, Oklahoma
- E. [18-1053](#) Approval of and authorization to execute a Promotional License on City Property allowing ScotFest, Inc. to host the 2018 ScotFest event
- F. [18-1043](#) Approval of and Authorization to execute a License Agreement between the City of Broken Arrow and Auburndale-Halifax, LLC, to allow the construction of a vehicular entrance and to landscape, maintain and repair the City right-of-way known as East Reno Street located north of Lot 1, Block 1, Hillcrest Lynn Lane, Tulsa County, Oklahoma (S1 T18N R14E)
- G. [18-1001](#) Approval of and authorization to execute a Medical Director Services Agreement between David Gearhart, D.O. and the City of Broken Arrow for services as the Physician Medical Director for the Fire Department

H. [18-999](#) Approval of and authorization to execute an agreement with the Broken Arrow Military History Center for removal and relocation of the Vietnam monument from Central Park

I. [18-1060](#) Approval of and authorization to execute an 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

J. [18-1000](#) Approval of and authorization to execute Contract for Provision of Public Services for 2018 Community Development Block Grant Program

K. [18-1022](#) Approval of and authorization to execute a renewal application for Firefighter Justin Williams to participate on the Oklahoma Taskforce-1 Urban Search and Rescue Team

L. [18-1049](#) Approval of and authorization to purchase structural firefighting coats, pants, gloves and boots from Northern Safety, helmets from Casco Industries, Inc., and flashover hoods from NAFECO, from existing contract Bid 17.149

M. [18-1040](#) Approval of and authorization to purchase annual software maintenance services from Superion, L.L.C.

N. [18-1051](#) Approval of and authorization to execute a Consent Order on Case Number 18-130 from the Oklahoma Department of Environmental Quality (ODEQ), Water Quality Division

O. [18-1046](#) Approval of and authorization to execute Change Order CO3 for Construction Contract 173002; Public Safety Training Facility - Police Down Range Building

P. [18-1045](#) Approval and authorization of Final Acceptance for the public improvements at Springhill at Forest Ridge, located at 8907 East Kenosha Street

Q. [18-1021](#) Consideration, discussion, and possible approval of PUD-175D (Planned Unit Development) and BAZ-2009 (Rezoning), Pat's Express Car Wash Broken Arrow, 1.01 acres, PUD-175D/CG to PUD-175D/CH, located north of Kenosha Street, west of the Creek Turnpike

R. [18-1002](#) Approval of SP-45A (Specific Use Permit) Amendment to Trinity Lutheran Church Signage, 4.43 acres, A-1/SP-45, west of Elm Place, one-half mile south of Florence Street

S. [18-1013](#) Acceptance of a Deed of Dedication from Martha A. Helm, Deborah A. (Helm) Caskey and Linda G. (Helm) Dysert, as trustees, whether jointly or severally, of the Martha A. Helm Trust, on property located one-half mile north of Houston Street, west of Evans Road, Wagoner County, State of Oklahoma (Section 08, T18N, R15E)

T. [18-1014](#) Acceptance of a Utility Easement from the Martha A. Helm Trust, on property located one-half mile north of Houston Street, west of Evans Road, Wagoner County, State of Oklahoma (Section 08, T18N, R15E)

U. [18-52](#) Approval of the Broken Arrow City Council Claims List for September 04, 2018

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

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

A. [18-1063](#) Presentation by City Manager Michael Spurgeon on the results of the 2018 GO Bond Election including action plan for implementation of projects

B. [18-1012](#) Consideration, discussion, and possible approval of displaying “The War at Home Memorial” at Veterans Park, and, to authorize staff to work with Mission 22 representatives for the development of a site plan, and, preparation of an agreement for acceptance and display of the memorial

C. [18-1024](#) A public hearing regarding the Police Department’s application for the Edward Byrne Memorial Justice Assistance Grant (JAG), and authorization to submit the grant application

## **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. [18-1048](#) Consideration, discussion, and possible approval of PUD-280 (Planned Unit Development) and BAZ-2010 (Rezoning), The Villages at Seven Oaks South, 11.34 acres, A-1 to RS-3 (BAZ-1622) to RS-3 to RS-4/PUD-280, located one-quarter mile east of 9th Street, south of New Orleans Street

B. [18-960](#) Consideration, discussion, and possible approval of PUD-281 (Planned Unit Development), Milestone, 2.07 acres, DM/SP-137G/Area 6 of the Downtown Residential Overlay District to PUD-281/DM/Area 6 of the Downtown Residential Overlay District along with the abrogation of SP-137, located one-third mile south of Kenosha Street, one-half mile east of Elm Place

C. [18-1003](#) Consideration, discussion, and possible approval of PUD-282 (Planned Unit Development) Chase Bank, 1.35 acres, CH, one-quarter mile south of Albany Street, east of 9th Street

D. [18-1047](#) Consideration, discussion, and possible approval of BAZ-2011, Fire Station No. 3, 3.0331 acres, 1 lot, A-1 to CG, one-half mile south of Florence Street, west of 23rd Street, north of the Creek Turnpike

E. [18-1064](#) Consideration, discussion, and possible approval of and authorization to execute a Service Agreement for Disaster Recovery Services between the Institute Technology and Safety and the City of Broken Arrow, Oklahoma and an Agreement with the Oklahoma Municipal League for Disaster Recovery Services as a membership benefit

F. [18-1026](#) Consideration, discussion and possible approval of and authorization to purchase two (2) Pierce aerial fire apparatus from Conrad Fire Equipment, Inc. pursuant to the Houston-Galveston Area Council (HGACBuy) contract, and authorization to pre-pay Conrad Fire Equipment, Inc. for such purpose for the Fire Department

## **10. Preview Ordinances**

A. [18-1065](#) Consideration, discussion and possible preview of an Ordinance of the City of Broken Arrow amending the City of Broken code of ordinances chapter 7, adding Article XV Medical Marijuana, Business Regulations and Licensing, Establishing Regulations for Retail Medical Marijuana Establishments, Commercial Marijuana growing facilities, Wholesale Marijuana Facilities, Marijuana Storage Facilities; and repealing all ordinances to the contrary and declaring an emergency

B. [18-1059](#) Consideration, discussion and possible preview of an Ordinance Amending Section 3.1.F (Table 3.1-1) Table of Allowed Uses; and Section 5.4 (Table 4.4.1) Off-Street Parking Schedule A; and Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types; and Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance; and declaring an emergency

## **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. Possible Litigation, including potential resolution, of a matter involving the tort claim of Elias Neuman vs. City of Broken Arrow, and taking appropriate action in open session, 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 John Loerch vs. City of Broken Arrow, Tulsa County District Court Case Number CJ-2017-2627, under 25 O.S. §307(B)(4).**
- 3. Litigation, including potential resolution, of a matter involving the litigation case of B-Z Properties vs. City of Broken Arrow, Wagoner County District Court Case Number CV-2018-43, 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 claim, 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.

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City Clerk