



# City of Broken Arrow

City of Broken Arrow  
Council Chambers  
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, September 15, 2015

6:30 PM

Council Chambers

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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. [15-395](#) Approval of City Council meeting minutes of September 1, 2015
- B. [15-424](#) Acceptance of minutes of Planning Commission meeting held August 13, 2015
- C. [15-441](#) Approval of and authorization to execute Earth Change Pay Request Number 2 for Tri-Star Construction, LLC through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center
- D. [15-436](#) Approval of and authorization to execute Pay Request Number 3 for Professional Design Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center
- E. [15-440](#) Approval of and authorization to execute a Promotional License Agreement between the City of Broken Arrow and the Broken Arrow Arts Council for the Chalk It Up! event

- F. [15-383](#) Approval of and authorization to execute an amended contract for professional services between the City of Broken Arrow and Family and Children's Services to provide a Violence Response Program for the City of Broken Arrow in Fiscal year 2015-2016
- G. [15-434](#) Approval of and authorization to execute three (3) Contracts with Tulsa County for Public Improvements, Provision of Public Services and Assistance to Vintage Housing for the Fiscal Year 2015 Community Development Block Grant (CDBG) Programs
- H. [15-393](#) Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Volleyball Club
- I. [15-433](#) Approval of PT08-106A, Conditional Final Plat, Seven Oaks South II, 92 Lots, 23.36 acres, A-1 to RS-3, one-quarter mile south of New Orleans Street, one-quarter mile east of 9th Street
- J. [15-442](#) Approval of the Claims List 09/15/2015

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

**7. Public Hearings, Appeals, Presentations, Recognitions, Awards - NONE**

**8. Citizens' Opportunity to Address the Council on General Topics**

**9. General Council Business**

- A. [15-431](#) Consideration, discussion and possible action regarding BACP 146 (Comprehensive Plan Change), Elm Ridge Crossing II, 19.64 acres, Level 2 to Level 3, one-quarter mile south of Omaha Street, east of Elm Place
- B. [15-432](#) Consideration and possible approval of PUD 240 and BAZ 1942, Villas at Bricktown, 11.58 acres, R-1 to PUD 240/RS-3, and abrogation of BACP 87, north of the northeast corner of Kenosha Street and Olive Avenue
- C. [15-403](#) Consideration, discussion and possible acceptance of the Federal Emergency Management Agency (FEMA) Fiscal Year 2014 Staffing for Adequate Fire and Emergency Response (SAFER) Grant that will fund the salaries and benefits of nine new firefighter positions for a period of two years

- D.**     [15-419](#)       Consideration, discussion and possible action regarding a wage increase for the Acting City Manager retroactive to January 1, 2015, and consideration, discussion and possible action on a merit payment
- E.**     [15-428](#)       Consideration, discussion and possible approval of Resolution No. 892, a Resolution authorizing the City Attorney to enter into a proposed Joint Petition for Approval of Settlement and a Journal Entry of Judgment in regard to the tort claim filed by Robert Cook's Green Acre Sod Farms, Inc., and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment incorporating the resolution of the Court's approval, pursuant to 51 O.S. § 158
- F.**     [15-426](#)       Consideration, discussion and possible approval of Resolution No. 893, a Resolution of the City Council of the City of Broken Arrow formally expressing the intent of the City of Broken Arrow to continue to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances committed in Wagoner County, Oklahoma, pursuant to authority of Title 10A, Oklahoma Statutes §2-2-103; and directing the Legal Department to file the Resolution with the Wagoner County District Court
- G.**     [15-427](#)       Consideration, discussion and possible approval of Resolution No. 894, a Resolution of the City Council of the City of Broken Arrow formally expressing the intent of the City of Broken Arrow to continue to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances committed in Tulsa County, Oklahoma, pursuant to authority of Title 10A, Oklahoma Statutes §2-2-103; and directing the Legal Department to file the Resolution with the Tulsa County District Court
- H.**     [15-429](#)       Consideration and possible appointment of Michael Spurgeon, City Manager, City of Broken Arrow, to complete Acting City Manager Russell M. Gale's term as representative to the Indian Nations Council of Governments (INCOG) Board of Directors and the General Assembly effective September 21, 2015

## 10. Preview Ordinances

- A. [15-418](#) Consideration, discussion and possible preview of an ordinance amending Chapter 6, Building and Building Regulations, Article II, Building Code; Section 6-16, Adopted; Section 6-17 Amendments; Section 6-21, Construction standards for handicapped parking spaces; Section 6-23, Existing building code adopted; Section 6-24 Amendments; Section 6-66, Adoption of National Electrical Code; amendments; Repealing Section 6-70, Receptacle and light fixture loading; Repealing Section 6-71, Special circuits and independent fusing for appliances; Repealing Section 6-74, Wall switches required; Article V, Plumbing, Division 1, Generally, Section 6-94 plumbing code - adopted; Section 6-95, Same - Amendments; Division 2, Landscaping Irrigation; Section 6-101 - Backflow prevention; Section 6-103 Installation requirements; Article VI, Underground Outside Gas Piping, Section 6-111 Application of article; Section 6-112 Amendments; Repealing Section 6-113, Installation requirements generally; Article VII, Mechanical Code, Section 6-128 - Adopted; and Section 6-129 Amendments; specifically adopting the requirements of the 2014 and 2015 NFPA NEW ICC Code as to Building, Mechanical, Fuel Gas, Plumbing, and Electrical into the City's Code of Ordinances in order to comply with state statute approved by legislative action and signed by Governor Mary Fallin to become effective November 1, 2015; repealing all ordinances to the contrary and declaring an emergency

## 11. Ordinances

- A. [15-421](#) Consideration, discussion and possible adoption of Ordinance No. 3365, an ordinance amending Chapter 2, Administration, Article IX, Employee Rules and Regulations, Section 2-151, Attendance, of the Broken Arrow Code, to add Christmas Eve to the list of observed holidays for the City of Broken Arrow, Oklahoma; repealing all ordinances to the contrary; and declaring an emergency

## 12. Remarks and Inquiries by Governing Body Members

## 13. Remarks by Acting City Manager

**14. Executive Session**

Executive Session for the purpose of confidential communications between the Broken Arrow City Council, the Acting City Manager and the City Attorney, on matters pertaining to potential litigation and/or claims regarding public improvements and infrastructure, including the retaining wall on real property located on the North side of Tiger Hill (on the Southwest corner of Lynn Lane and Kenosha), and taking appropriate action in open session including direction to initiate claims, all 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 claims and/or potential litigation 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