



City of Broken Arrow
Meeting Agenda
Broken Arrow 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

Monday, November 7, 2016

6:30 PM

Council Chambers

RESCHEDULED REGULAR MEETING

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [16-1320](#) Approval of and authorization to execute a Promotional License Agreement allowing Tulsa IBF, LLC to host the 2016 Holiday Festival Event on City Property

Attachments: [License.pdf](#)

- B. [16-1368](#) Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Brewster & De Angelis, P.L.L.C., Attorneys at Law

Attachments: [Brewster and De Angelis Guy Fortney Re Fernandez Case 2016](#)

- C. [16-1344](#) Approval of and authorization to execute a Professional Services Agreement for Building Plan Review and Building Inspections with the Institute for Building Technology and Safety (IBTS), in association with construction of the Shops at Broken Arrow, Phase 2, located in the Southwest Quarter (SW/4) of Section One (1), Township Eighteen (18) North, Range Fourteen (14) East, Tulsa County, State of Oklahoma (Project: Shops at Broken Arrow Phase II, Ulta, Ross, Michaels and Dollar Tree)

Attachments: [IBTS.ServAgrmt.Targetph2.110716.pdf](#)
[INCOG Service Agreement_signed.pdf](#)
[SP1.pdf](#)

- D. [16-1356](#) Approval of bids received, award of the lowest responsible bid to Cherokee Pride Builders, and approval of and authorization to execute a construction contract for Liberty Parkway Trail Retaining Wall Repair (Project No.

161713)

Attachments: [161102 Certified Bid Tab Liberty Parkway Retaining Wall Repair](#)

- E. [16-1359](#) Acceptance of a General Warranty Deed for a tract of land that is part of Lot One (1), Block One (1), Coach Port Addition, an addition to the City of Broken Arrow, Wagoner County, State of Oklahoma (Project No. 156020) and authorize payment in the amount of \$69,051.00

Attachments: [GWD Coach Port LLC](#)

- F. [16-1370](#) Notification of Change Orders with a value of less than \$25,000 on Public contracts

Attachments: [City Hall Interior Renovations, Change Order C012](#)
[Traffic Signal Modification Elm & Creek Tpk C01](#)
[Justice Center HVAC C02](#)

- G. [16-1351](#) Acceptance of a Warranty Deed for Parcel 5, which consists of 0.16 acres of permanent right-of-way for 23rd Street, Houston to Kenosha, in the Northwest Quarter of the Northwest Quarter of Section 18, Township 18 North, Range 15 East, at the Southeast Corner of 23rd Street and Houston Street, from Don C. and Mary H. Couch and authorize payment in the amount of \$7,000.00, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

Attachments: [161103 1 Appraisal Report 5 Couch](#)
[161103 2 Summary Statement of Just Compensation 5 Couch](#)
[161103 3 Appraisal Review 5 Couch](#)
[161103 4 ODOT Form 324a 5 Couch](#)
[161103 5 Summary of Acquisition 5 Couch](#)
[GWD Parcel 5.pdf](#)

- H. [16-1352](#) Acceptance of Warranty Deeds for 0.77 acres of permanent right-of-way in Parcel 8 and 1.07 acres of permanent right-of-way in Parcel 15, located at the Southeast Corner of East College Street and North 23rd Street in the Southwest Quarter of Section 7, Township 18 North, Range 15 East, from Mullin Properties, LLC, and authorize payment in the amount of \$55,939.00, for the 23rd Street, Houston to Kenosha, Widening Project (Project No. ST0914)

Attachments: [161103 1 Appraisal Report 8&15 Mullin](#)
[161103 2 Summary of Just Compensation 8&15 Mullin](#)
[161103 3 Appraisal Review 8&15 Mullin](#)
[161103 4 ODOT Form 324A 8&15 Mullin](#)
[161103 5 Summary of Acquisition 8&15 Mullin](#)
[GWD Parcel 8.pdf](#)
[GWD Parcel 15.pdf](#)

- I. [16-844](#) Approval of the Broken Arrow City Council Claims List for November 7, 2016

Attachments: [11-07-16 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A. [16-1361](#) Consideration, discussion, and possible direction on the creation of a new Single-Family Residential Zoning District, RS-4, Single-Family Residential-4, with modifications to Section 2.1, Table 3.1-1, Section 3.2.A.2, Section 3.2.B.1, Section 3.2.B.2, Section 3.2.B.5, Section 3.3.C.2.b, Table 4.1-2, Section 4.1.E, and Section 5.9.J.4 of the Zoning Ordinance; along with modifications to Table 4.1, Section 4.1.2, and Section 4.1.3 of the Comprehensive Plan

Attachments: [1-PUBLISHED COUNCIL NOV 1, 2016.FACT SHEET.pdf](#)
[2-PLANNING COMMISS.FACT SHEET.OCT 13 2016.pdf](#)
[3-PLANNING COMM.FACT SHEET.SEPT 22, 2016.pdf](#)
[4-ZONING ORD W RS4 INCORPORATED.pdf](#)
[5-LUIS.docx](#)
[6-LEVEL 2 CRITERIA.docx](#)
[7-LEVEL 3 CRITERIA.docx](#)
[8-RS4 LOT CHARACTERISTICS.pdf](#)

- B. [16-1364](#) Presentation of the Associated Builders and Contractors, Inc. (ABC) Oklahoma Chapter 2016 Excellence in Construction Award to the City of Broken Arrow for the Stoney Creek Hospitality Hotel and Conference Center Earth Change Project by Tri-Star Construction, LLC

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. [16-1347](#) Presentation, review, discussion, consideration and possible action on the rate study analysis for the water, wastewater and stormwater public utilities and corresponding utility rate increases

Attachments: [Rate Schedule](#)

- B. [16-1299](#) Receipt and consideration of bids for and possible action awarding the sale of \$18,720,000 in principal amount of Series 2016D General Obligation Bonds to the most responsible bidder and authorization to execute all documents related thereto

Attachments: [11-07-16 SERIES 2016D PROJECTS.xls](#)

- C. [16-1340](#) Consideration, discussion, and possible approval of and authorization to enter into a fuel card agreement with Wright Express Incorporated for point of sale fueling services

Attachments: [WEX Acceptance Logos](#)
[NJPAAddendum_WEX app](#)

- D. [16-1313](#) Consideration, discussion, and possible approval of rezoning request, BAZ-1964, Golzar Trust Property, 3.00 acres, R-1 to ON, south of Kenosha Street, one-half mile west of Olive Avenue

Attachments: [1-BAZ 1964.Planning Commission Fact Sheet.pdf](#)
[2-CASE MAP.BAZ-1964.pdf](#)
[3-AERIAL.BAZ 1964.pdf](#)
[4-COMP PLAN.BAZ 1964.pdf](#)
[5-TABLE 3.1-1 FROM ZONING ORDINANCE.pdf](#)
[LETTER OF OPPOSITION. PRINTED FOR PC MEMBERS.pdf](#)

- E. [16-1369](#) Consideration, discussion, and possible approval of Resolution Number 956, a Resolution authorizing the City Attorney to file a Petition to Vacate a Utility Easement pursuant to 11 O.S. § 42-111 on property located on a tract of land lying in Government Lot 3 of Section 2, Township 18 North, Range 14 East, of the Indian Meridian, Tulsa County, Oklahoma, generally located one-quarter mile east of Elm Place and north of Albany Street; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [Ordinance 3456.pdf](#)
[11-07-2016 RESOLUTION NO. 956 - Authorizing City Attorney to file Petition](#)

- F. [16-1367](#) 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 19, 2016 in Pittsburgh, Pennsylvania

10. Preview Ordinances

11. Ordinances

- A. [16-1300](#) Consideration, discussion, and possible adoption of Ordinance Number 3455, an ordinance providing for the issuance of \$18,720,000 General Obligation Bonds, Series 2016D by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue; and declaring an emergency

Attachments: [11-07-16 Ordinance 3455 Series 2016D Bonds.doc](#)

- B. [16-1341](#) Consideration, discussion, and possible adoption of Ordinance Number 3457, an ordinance closing a utility easement on property located in Part of Lot Two (2), Block One (1), Hillside Crossings, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the Broken Arrow Expressway and west of 9th Street; specifically repealing Ordinance Number 3412; repealing all ordinances to the contrary; and

declaring an emergency

Attachments: [ORDINANCE NO 3412.PDF](#)
[UTILITY CLOSURE EXHIBIT.pdf](#)
[HILLSIDE CROSSINGS PUD 207A FINAL PLAT.pdf](#)
[CONCEPTUAL SITE PLAN.QT #0034.pdf](#)
[Corrected Ordinance 3457.doc](#)
[Correct LEGAL & UE EXHIBIT.pdf](#)

- C. [16-1366](#) Consideration, discussion, and possible adoption of Ordinance Number 3458, an ordinance amending the Broken Arrow Code of Ordinances, Chapter 7, Business Regulations and Licenses, Article V. Pawnbrokers, Section 7-89. - Pawnbroker defined, specifically defining terms as used in this Chapter; Section 7-92. - Reserved; specifically adding eligibility requirements to obtain a pawnshop license; amending Section 7-95. - Required information; material, specifically requiring fingerprints of the applicant to be submitted with the license application; Reserving Section 7-103. - Records required; amending Sec. 7-105. - Reports to police, specifically requiring pawnbrokers to report to the police department, within two days, any buy transaction or pawn transaction.; amending Section 7-106. - Inspections, specifically allowing an officer who has probable cause to believe property is stolen or embezzled to place a written hold on such property; amending Section 7-112. - Penalties, specifically defining the punishment for violating Sections regulating Pawnbrokers; adding regulations for Precious Metals and Gems, Section 7-152. - Definitions; Section 7-153. - State license, specifically requiring precious metal and gem dealers to maintain a valid State license; Section 7-154. - Records to be maintained, specifically requiring dealers to keep a record of any transaction involving the purchasing of any used item made or containing precious metals or gems; Section 7-155. - Certain goods to be kept by Dealer: Time and Procedure, specifically allowing an officer who has probable cause to believe property is stolen or embezzled to place a written hold on such property and requiring dealers to keep such metals and gems on hold for a period of ten days; Section 7-157. - Penalty, specifically defining the punishment that may be imposed for violating Sections regulating Precious Metals and Gems; repealing all ordinances to the contrary and declaring an emergency

Attachments: [11-7-2016 ORDINANCE NO. 3458 CHAPTER 7 - PAWNBROKERS](#)

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 Broken Arrow City Council, the City Manager and the City Attorney, and possible action in open session on matters pertaining to the following:

1. Discussion of litigation and possible offers of settlement involving Frank Charon v. the City of Broken Arrow, et al., Tulsa County District Court Case Number: CJ-2016-834, and taking appropriate action, including possible settlement in open session, all pursuant to 25 O.S. § 307(B)(4).

2. Discussion of claims and potential litigation and potential settlement of claims regarding public improvements and infrastructure, specifically 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, including authorization to settle and resolve the claims in open session under 25 O.S. § 307(B)(4).

3. Discussing the purchase and appraisal of properties on 9th Street, between Elgin and Detroit, and taking appropriate action, including making offers of purchase in open session under 25 O.S. § 307(B)(3).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claims and 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