



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

Tuesday, March 7, 2017

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. [17-1658](#) Approval of City Council Meeting Minutes of February 21, 2017

Attachments: [02-21-17 Council Minutes](#)

- B. [17-1898](#) Notification of City Manager's and Assistant City Manager's signing Professional Consultant Agreements with a value less than \$25,000

Attachments: [170227 EXECUTED Amendment No. 1](#)

- C. [17-1914](#) Approval of and authorization to execute Engineering Contract Funding Agreement Amendment #1 with Oklahoma Department of Transportation (ODOT) for engineering services involving Broken Arrow Creek Trail Project #146020

Attachments: [3160105-fedaidec- Amendment #1](#)

- D. [17-1878](#) Approval of and authorization to execute First Amendment to Communications Radio Antenna Agreement with T-Mobile Central, LLC for property located at 801 New Orleans Avenue

Attachments: [TMobile New Orleans](#)

- E. [17-1879](#) Approval of and authorization to execute First Amendment to Communications Radio Antenna Agreement with T-Mobile Central, LLC for property located at 803 East Kenosha Street

Attachments: [TMobile Tiger Hill Lease](#)

- F. [17-1902](#) Ratification of an Interlocal Agreement concerning road repair and maintenance between the City of Broken Arrow and Wagoner County
- Attachments:** [2017 Interlocal Agreement Wagoner County & BA](#)
- G. [17-1896](#) Award of the lowest responsible bid to Apex Industries, Inc., dba True Fireproofing Co., and approval of and authorization to execute a construction contract for Stark Building Insulation (Project No. 165104)
- Attachments:** [170227 Certified Bid Tab](#)
- H. [17-1766](#) Approval to waive formal competitive bidding and approve the purchase of two LifePak 15 cardiac monitors from Physio-Control, Inc. as bid pursuant to the Oklahoma Statewide Contract SW300 and authorization to surplus two LifePak 12 monitors and authorize trade-in as a credit for the Fire Department
- Attachments:** [SW300 - 2016 Renewal - Addendum#23](#)
[LifePak 12 Surplus 2017](#)
[Physio-Cotrol LifePak 15 Quote - 2017](#)
[Physio Control SW300 - Bid Tabulation - 2017](#)
- I. [17-1899](#) Notification of Change Orders with a value of less than \$25,000 on public contracts
- Attachments:** [Change Order CO-01](#)
- J. [17-1893](#) Approval of BAZ 1971 (Rezoning Request), 26.2 acres, A-1 (Agricultural) to IL (Industrial Light), east of 9th Street, one-quarter mile south of Houston Street
- Attachments:** [1-PLANNING COMMISSION FACT SHEET.pdf](#)
[2-CASE MAP.BAZ-1971.pdf](#)
[3-AERIAL](#)
[4-COMP PLAN.pdf](#)
[5-LYNN LANE INDUSTRIAL PARK plat.tif](#)
[6-AMENDED PLAT OF LYNN LANE INDUSTRIAL PARK plat.tif](#)
- K. [17-1894](#) Approval of SP 278 (Specific Use Permit) R & M Music, 2.93 acres, CH (Commercial Heavy), east of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street
- Attachments:** [2-CASE MAP.SP-278](#)
[3-AERIAL.SP 278](#)
[4-CONCEPTUAL SITE PLAN](#)
[5-JMH SECOND PLAT](#)

- L. [17-1874](#) Acceptance of a Detention Easement Dedication from Robert L. and Belinda L. Cacy, on property located east of 9th Street and a quarter mile north of Tucson Street, Tulsa County, State of Oklahoma, (Section 36, T18N, R14E) (Lynn Lane Mini Storage Phase II)

Attachments: [2-Dedication](#)
[3-Exhibit A](#)
[Recorded Plat.pdf](#)

- M. [17-1877](#) Acceptance of a Waterline Easement Dedication from Robert L. and Belinda L. Cacy, on property located east of 9th Street and a quarter mile north of Tucson Street, Tulsa County, State of Oklahoma, (Section 36, T18N, R14E) (Lynn Lane Mini Storage Phase II)

Attachments: [2-Waterline Easement Dedication](#)
[3-Exhibit A](#)
[Recorded Plat.pdf](#)

- N. [16-1543](#) Approval of the Broken Arrow City Council Claims List for March 07, 2017

Attachments: [03-07-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A. [17-1907](#) Presentation by representatives of Keep Broken Arrow Beautiful to provide an update of the Commemorative Rose Garden fundraising efforts and identifying Broken Arrow as the “City of Roses”

- B. [17-1872](#) Presentation and discussion of the 2016 Annual Report

- C. [17-1892](#) Presentation by Fire Chief Jeremy Moore on department updates and related discussion

Attachments: [Broken Arrow Fire 2017 Update - 1](#)

- D. [17-1904](#) Mayor’s pledge from The Milken Institute Center for the Future of Aging

Attachments: [The Mayor's Pledge](#)

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. [16-1626](#) Consideration, discussion, and possible approval of and authorization to execute a Letter of Intent to accept the donation of real property located at 709 Magnolia Court, Broken Arrow, Oklahoma, from the Tulsa Community Foundation, by and through the City of Broken Arrow Neighborhood Park Fund or other such fund deemed appropriate, and to construct a Memorial Garden and Park honoring the victims of violence and tragedy and City of Broken Arrow

Attachments: [Letter of Intent-Bever House.pdf](#)

- B. [17-1910](#) Consideration, discussion, and possible approval of and authorization to execute a Service Agreement between Jerry Whorton, LLC (dba Consolidated Benefits Resources) and the City of Broken Arrow to provide services for Workers' Compensation claims administration

Attachments: [Consolidated Benefits Resources Service Agreement](#)

- C. [17-1890](#) Consideration, discussion, and possible award of the lowest responsible bid plus Alternates 1 and 2 to Becco Contractors, Inc, and authorize execution of a construction contract for Kenosha: Garnett to Aspen Mill and Overlay (Project No. ST1713)

Attachments: [170222 Bid Tab Certified Kenosha Garnett-Aspen Mill and Overlay](#)

- D. [17-1912](#) Consideration, discussion, and possible approval of Resolution No. 988, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and a Journal Entry of Judgment in regard to the matter of Vicky High v. City of Broken Arrow, et al., Case No. CJ-2012-03982 in the District Court for Tulsa County, State of Oklahoma and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the Court's approval, pursuant to 51 O.S. § 158

Attachments: [03-07-2017 RESOLUTION NO. 988 - VICKY HIGH v CITY.docx](#)

- E. [17-1903](#) Consideration, discussion, and possible approval of Resolution No. 989, a Resolution authorizing the City Attorney to disclaim any interest in property located near 12315 South Garnett Road, Broken Arrow, Oklahoma, 74011, in a condemnation action entitled City of Tulsa, Oklahoma v. Gillean, et al, filed by the City of Tulsa in the District Court in and for Tulsa County, State of Oklahoma, Case No. CJ-2017-491 to acquire a sanitary sewer easement and temporary construction easement for the construction of the RMUA-ES-2009-10 C3 Force Main Improvements Haikey Creek Lift Station Rehabilitation Project

Attachments: [03-07-2017 RESOLUTION 989.docx](#)

- F. [17-1901](#) Consideration, discussion, and possible approval of Resolution No. 990, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of Independent School District No. 4 of Tulsa County, Oklahoma v. City of Broken Arrow, et al, Tulsa County District Court Case No. CV-2017-00125, authorizing foreclosure and vacation of an easement located on property located at Lot One (1), Block One (1), BIXBY NORTHEAST CAMPUS, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, According to the recorded plat thereof generally located north of 131st Street, ½ mile east of Garnett Road
- Attachments:** [03-07-2017 RESOLUTION NO 990 - INDEPENDENT SCHOOL DISTRICT #.](#)
- G. [17-1900](#) Consideration, discussion, and possible approval of Resolution No. 991, a Resolution authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 3013 South Oak Avenue, Broken Arrow, Oklahoma 74012
- Attachments:** [03-07-2017 RESOLUTION NO 991 - HENDRIX ABATEMENT 3013 S OAK.](#)
- H. [17-1924](#) Consideration, discussion, and possible approval of Resolution No. 992, a Resolution of the Broken Arrow City Council urging all United States Senators to reintroduce the Marketplace Fairness/Digital Parity Act into the United States Senate during its 2017 session; urging all members of the House Judiciary Committee to act on the Marketplace Fairness/Digital Parity Act or other legislation to collect and remit sales taxes structured on a system of collection bases upon the purchaser's location; urging the United States Senate and the United States House of Representatives to hold votes to pass the Marketplace Fairness/Digital Parity Act or other legislation to collect and remit sales taxes structured on a system of collection based upon the purchaser's location during the 2017 session; and directing the City Clerk to provide attested copies of this Resolution to the Speaker of the United States House of Representatives, Chairman of the House Judiciary Committee, the Senate Majority Leader of the United States Senate, the Honorable James Inhofe, United States Senator, and the Honorable James Lankford, United States Senator
- Attachments:** [03-07-2017 Resolution No. 992- Marketplace Fairness Digital Parity Act- Final.](#)
- I. [17-1906](#) Consideration, discussion, and possible approval of Resolution No. 993, a Resolution of the Broken Arrow City Council urging the United States Congress and President of the United States of America to preserve the Tax-Exempt status of Municipal Bonds; and strongly opposes any Federal Legislation or Executive action that would eliminate the Federal Tax Exemption on Municipal Bonds
- Attachments:** [RESOLUTION NO.993 Tax Exemptions for Municipal Bonds Final.docx](#)

- J.** [17-1911](#) Consideration, discussion, and possible approval of Resolution No. 994, a Resolution authorizing the City Attorney to file a Petition against Nickel Investment, LLC for Nickel Investment, LLC's violation of a July 15, 2008 Development and License Agreement and authorization to draft and file all necessary accompanying legal documents to effectuate suit against Nickel Investment, LLC

Attachments: [03-07-2017 RESOLUTION.docx](#)

- K.** [17-1919](#) Consideration, discussion, and possible approval of Resolution No. 995, a Resolution of the Broken Arrow City Council approving, authorizing and accepting a contract for sale of real estate for real property located at 312 North 9th Street, in Broken Arrow, Oklahoma and more particularly described as beginning one hundred ninety six feet (196) feet north of the Southeast corner of Block Two (2), Mound View Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, thence north seventy five (75) feet; thence west one hundred forty (140) feet; thence south seventy five (75) feet; thence east one hundred forty (140) feet to the Point of Beginning; approving and authorizing purchase of real estate pursuant to the contract for sale of real estate; and authorizing the City of Broken Arrow's expenditure of the sum of \$90,000.00 to effect such purchase, as well as reasonable and necessary costs; designating representatives of the City of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said contract for sale of real estate; and containing other provisions relating thereto (9th Street Widening Project-Elgin to El Paso)

Attachments: [Resolution 995.pdf](#)
 [Parcel 20 Assessor Record.pdf](#)
 [9th Street Offer Acceptance Parcel 20.pdf](#)

- L. [17-1920](#) Consideration, discussion, and possible approval of Resolution No. 996, a Resolution of the Broken Arrow City Council approving, authorizing and accepting a contract for sale of real estate for real property located at 310 North 9th Street, in Broken Arrow, Oklahoma and more particularly described as beginning one hundred forty six feet (146) feet north of the Southeast corner of Block Two (2), Mound View Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, thence west one hundred forty (140) feet; thence north fifty (50) feet; thence east one hundred forty (140) feet; thence south fifty (50) feet; to the Point of Beginning; approving and authorizing purchase of real estate pursuant to the contract for sale of real estate; and authorizing the City of Broken Arrow's expenditure of the sum of \$63,000.00 to effect such purchase, as well as reasonable and necessary costs; designating representatives of the City of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said contract for sale of real estate; and containing other provisions relating thereto (9th Street Widening Project-Elgin to El Paso)

Attachments: [Resolution 996.pdf](#)
[Parcel 21 Assessor Record.pdf](#)
[9th Street Offer Acceptance 21.pdf](#)

10. Preview Ordinances

- A. [17-1909](#) Consideration, discussion, and possible preview of an ordinance correcting the zoning designation from AG to an A-1 Agricultural District Zoning classification on 27.97 acres of land and legally described as a tract of land in the South Half of the Southeast Quarter (S/2 SE/4) of Section One (1), Township Seventeen (17) North, Range fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma

Attachments: [2-23-17 - redline strikeout Ord 3460 Annexing property 27.97 acres located in 1.](#)

- B. [17-1875](#) Consideration, discussion, and possible preview of an ordinance closing a detention easement on property located in the Southwest Quarter (SW/4) of Section Thirty (36), Township Eighteen (18), North Range Fourteen (14) East, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located east of 9th Street and a quarter mile north of Tucson Street; repealing all ordinances to the contrary; and declaring an emergency (Lynn Lane Mini Storage Phase II)

Attachments: [Preview.ordinance.Cacy Mini StorageDet Closure.doc](#)
[2-Detention Easement Closure Exhibit](#)
[Recorded Plat.pdf](#)

- C. [17-1876](#) Consideration, discussion, and possible preview of an ordinance closing a waterline easement on property located in the Southwest Quarter (SW/4) of Section Thirty (36), Township Eighteen (18), North Range Fourteen (14) East, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located east of 9th Street and a quarter mile north of Tucson Street; repealing all ordinances to the contrary; and declaring an emergency (Lynn Lane Mini Storage Phase II)

Attachments: [Preview.ordinance.Cacy Mini Storage UE closure.doc](#)
[2-Waterline Easement Closure Exhibit](#)
[Recorded Plat.pdf](#)

- D. [17-1905](#) Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article I, In General, Section 23-2. - Authority of City Manager to promulgate traffic regulations, specifically amending to grant the City Manager the authority to appoint a designee; amending Article II, Operation of vehicles generally, Section 23-79. - Driving on sidewalks; specifically allowing police motorcycles to operate on sidewalks; amending Article III, Traffic-Control Devices, Section 23-106. - Installation and maintenance generally, specifically amending to grant the City Manager the authority to appoint a designee; amending Section 23-107. - Conformity with state manual and specifications; uniformity; presumption of legality, specifically amending to include reference to the Broken Arrow Code of Ordinances; amending Section 23-118. - Adoption of the manual of uniform traffic control devices; specifically amending to remove the requirement of filing three copies of the uniform traffic control manual with the City Clerk; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [2-1-2017 Chapter 23.docx](#)

11. Ordinances

- A. [17-1863](#) Consideration, discussion, and possible adoption of Ordinance No. 3471, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1924 and PUD 231, generally located east of east of County Line Road, south of College Street, one-quarter mile north of Houston street, and west of Old Highway 51, granting an IL zoning classification be placed upon the tract along with PUD 231, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORDINANCE 3471.BAZ 1924 & PUD 231.pdf](#)
[3-CASE MAP.ORD 3471.BAZ 1924 & PUD 231.pdf](#)

- B.** [17-1864](#) Consideration, discussion, and possible adoption of Ordinance No. 3472, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1946 and PUD 243, generally located on the southeast corner of Kenosha Street and 14th Street, one third mile east of 9th Street, granting an IL zoning classification be placed upon the tract along with PUD 243, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORD. 3472.BAZ 1946 & PUD 243A.pdf](#)
[3-CASE MAP.ORD 3471.BAZ 1924 & PUD 231.pdf](#)

- C.** [17-1866](#) Consideration, discussion, and possible adoption of Ordinance No. 3473, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1963, granting a RE zoning classification be placed upon the tracts, generally located one quarter mile west of 23rd Street, one-half mile north of New Orleans Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORD. 3473.BAZ 1963.pdf](#)
[3-CASE MAP.ORD. 3473.BAZ 1963.pdf](#)

- D.** [17-1867](#) Consideration, discussion, and possible adoption of Ordinance No. 3474, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1781, granting a RS-3 zoning classification be placed upon the tract along with PUD 181, generally located one-quarter mile west of Aspen Avenue, one-quarter mile south of Tucson Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORD. 3474.BAZ 1781 & PUD 181.pdf](#)
[3-CASE MAP.ORD. 3474.BAZ 1781 & PUD 181.pdf](#)

- E.** [17-1869](#) Consideration, discussion, and possible adoption of Ordinance No. 3475, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1881, granting a RS-3 and FD zoning classification be placed upon the tracts, generally located on the northeast corner of Florence Street and Mingo Road, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORD 3475.BERWICK SOUTH.BAZ 1881.pdf](#)
[3-CASE MAP.ORD 3475.BAZ 1881.pdf](#)

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

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:

1. Possible litigation and pending claims regarding Lamar Outdoor Advertising and 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 litigation against Nikel Investment, LLC for possible breach of a July 15, 2008 Development and License Agreement between the City of Broken Arrow and Nikel related to the removal of Lamar Outdoor Advertising billboards from the City right-of-way, and possible action in open session, including authority to initiate an action against Nikel Investment, LLC and/or Lamar Outdoor Advertising under 25 O.S. §307(B)(4).

After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting and the final decisions 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 potential litigation and pending claims 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