



**City of Broken Arrow**  
**Meeting Agenda**  
**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*

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**Tuesday, May 3, 2016**

**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. [16-476](#) Approval of City Council Meeting Minutes of April 19, 2016
- B. [16-469](#) Approval of and authorization of to execute Engagement Letters with Arledge & Associates, P.C. to conduct the Fiscal Year 2016 Audit and State Auditor and Inspector's Report
- C. [16-463](#) Approval of an application for Transportation Alternatives Program (TAP) funding for Broken Arrow Creek Trail Phase 2, and authorization to execute Resolution No. 920 to Request Programming of Tulsa Urbanized Area Transportation Alternatives Funds
- D. [16-483](#) Approval of an application for Transportation Alternatives Program (TAP) funding for Broken Arrow Main Street Bikeway, and approval of and authorization to execute Resolution No. 921 to Request Programming of Tulsa Urbanized Area Transportation Alternatives Funds
- E. [16-468](#) Approval of and authorization to execute Work Order WO-04, Contract for Portland Cement Concrete Street Repair (Bid # 16.126) for the construction of 1820 feet of 5-foot wide sidewalk and the installation of four (4) handicap ramps along the east side of Aspen Avenue from the northwest corner of 3325 South Aspen Avenue to the northwest corner of 2104 West Delmar Street
- F. [16-485](#) Approval of and authorization to execute a Professional Services Contract for engineering project management services with Nicholls Consulting, PLLC for city projects
- G. [16-458](#) Waiver of Formal Competitive Bidding, and approval of and authorization to

purchase a 2017 Ford Utility Interceptor SUV (sport utility vehicle) from Bob Hurley Ford pursuant to the Oklahoma statewide vehicle contract for the Information Technology Department

- H. [16-459](#) Waiver of Formal Competitive Bidding, and approval of and authorization to purchase the Locus Diagnostics, LLC, DiagnostX Over-The-Air (OTA) Waveform Analyzer pursuant to General Services Administration's Federal Supply Schedule, a purchasing consortium
- I. [16-446](#) Approval of and authorization to purchase two sets of replacement power operated bleachers for the Parks & Recreation Department from Performance Services and declare five sets of old bleachers as surplus and authorize their disposal
- J. [16-482](#) Review of bids received, award of the lowest responsible bid to Lowry Construction Services, Inc., and approval of and authorization to execute a construction contract for Fairway Park Regional Detention Facility Revision - Phase II (Project No. SW0910B)
- K. [16-465](#) Review of bids received, award of the lowest responsible bid to Magnum Construction, Inc., and approval of and authorization to execute a construction contract for Entry Plaza Planter Walls, City Hall Renovations (Project No. 151703B)
- L. [16-464](#) Review of bids received, award of the lowest responsible bid to Voy Construction, LLC, and approval of and authorization to execute a construction contract for City Hall Renovations, Replacement of Siding and Soffits (Project No. 151703A)
- M. [16-495](#) Review of bids received and award the most advantageous bid to Warren Cat for the purchase of a 2016 Caterpillar AP555F asphalt laydown machine for the Street Division
- N. [16-435](#) Approval of final acceptance of the public improvement for AG Equipment Company located at 1900 North Hemlock
- O. [16-411](#) Approval of final acceptance of the public improvement for Andy's Frozen Custard located at 800 East Kenosha
- P. [16-487](#) Approval of Minor Change Order C02 for Construction Contract 166022, Central Park Electrical Upgrade
- Q. [16-437](#) Acceptance of a General Warranty Deed for Hillside Drive right of way and a small adjoining tract from Roland Investments, Ltd., in the northeast quarter of Section 2, Township 18 North, Range 14 East, of the Indian Base and Meridian, and generally located immediately east of Charleston's in the Stonewood Hills Subdivision
- R. [16-436](#) Acceptance of a Special Warranty Deed for the creek area just west of the Convention Center site from Roland Investments, Ltd in the northwest quarter of Section 2, Township 18 North, Range 14 East, of the Indian Base

and Meridian, and generally located to the west of the proposed Stoney Creek Hotel and Convention Center

- S. [16-499](#) Approval of the Broken Arrow City Council Claims List for May 03, 2016

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

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

- A. [16-504](#) Presentation of an annual report by representatives of Cox Communications, a cable service provider with a Non-Exclusive Franchise with the City of Broken Arrow, and particularly regarding the services provided by Cox and the operation of the cable system
- B. [16-447](#) Presentation by the Broken Arrow Youth City Council on the 2016 Congressional Cities Conference, and recognition of Youth City Council Members and presentation of certificates
- C. [16-448](#) Presentation by the Broken Arrow Youth City Council, discussion and possible acceptance of the 2016 Youth City Council “Big Idea”

## **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. [16-470](#) Consideration, discussion and possible approval of and authorization to execute an Engagement Letter with the Center for Economic Development Law
- B. [16-455](#) Consideration, possible approval of and authorization to execute an Employment Contract for Professional Services with Steven E. Edgar as Presiding Judge for the City of Broken Arrow's Municipal Court
- C. [16-472](#) Consideration, possible approval of and authorization to execute an Employment Contract for Professional Services with Dennis Sagely as Alternate Judge for the City of Broken Arrow's Municipal Court
- D. [16-473](#) Consideration, discussion and possible direction and action on future use and development of the real property located between East Detroit Street and East Elgin Street and North Main Street and North First Street, in Broken Arrow, Oklahoma, and more particularly described as Lots One (1) through Twenty-two (22), Block Eighteen (18), Original Town of Broken Arrow, Tulsa county, State of Oklahoma, and generally located at 305 North Main Street
- E. [16-452](#) Consideration, discussion, and possible approval of Planning Commission recommendation to modify Section 3.1 (Table 3.1-1), Section 3.2.C, and Section 10.3.D.4 of the City of Broken Arrow Zoning Ordinance to accommodate Micro Food and Beverage Production and possible direction for Staff to prepare the Ordinance revisions for Preview and Adoption
- F. [16-449](#) Consideration, discussion and possible approval of BACP 151, Cottages at

Aspen Park, 18.94 acres, Levels 2 and 6 to Level 3, east of Aspen Avenue and one-quarter mile north of Kenosha Street

- G. [16-451](#) Consideration, discussion and possible approval of BACP 152 (Change in the Comprehensive Plan), BA Ice House/Light & Power Refurbishment, 0.14 acres, Level 2 to Level 5, southeast corner of Cedar Avenue and Dallas Street
- H. [16-484](#) Consideration, discussion and possible approval of the Mayor's execution of an official ballot from the Oklahoma Municipal Assurance Group (OMAG) casting votes for two Trustee positions with three-year terms
- I. [16-474](#) Consideration and possible approval of the re-appointment of Mr. Mike Cooper to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning June 1, 2016 and expiring May 31, 2019
- J. [16-475](#) Consideration, discussion and possible approval of the reappointment of Mr. Jim Beavers to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning June 1, 2016, and expiring May 31, 2019

#### 10. Preview Ordinances

- A. [16-471](#) Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article II, Operations of Vehicles Generally, Section 23-71 - Specifically adopting State Statute with regard to Composing, Sending, Reading Text Messages while Vehicle in Motion, Penalties - Exceptions; repealing all ordinances to the contrary; and declaring an emergency

#### 11. Ordinances

- A. [16-489](#) Consideration, discussion and possible adoption of Ordinance No. 3420, an ordinance closing a mutual road easement on property located in the Southwest Quarter, of the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, generally located north of the West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency (Berwick South)
- B. [16-490](#) Consideration, discussion and possible adoption of Ordinance No. 3421, an ordinance closing a Stormwater Drainage Easement on property located in the Southwest Quarter, of the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, generally located north of the West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency (Berwick South)

- C. [16-491](#) Consideration, discussion and possible adoption of Ordinance No. 3422, an ordinance closing a Water Line Easement on property located in the Southwest Quarter, of the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, generally located north of West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency (Berwick South)
- D. [16-488](#) Consideration, discussion and possible adoption of Ordinance No. 3423, an Ordinance amending Chapter 7.7 Campaign Financing, Sec. 7.7-1 Short Title; Sec. 7.7-2 Intent; Sec. 7.7-3 Administration; Sec. 7.7-4 Definitions; Sec. 7.7-5 Duties of municipal clerk; Sec. 7.7-6 Filing contribution and expenditure reports by candidates for the city council; Sec. 7.7-7 Appeal; Sec. 7.7-8 Hearing; findings; assessment; Sec. 7.7-9 Contributions and expenditures by candidates or committees; Sec. 7.7-10 Statement of registration for committees; Repealing Sec. 7.7-11 Procedural requirements for committees and officers of committees; Repealing Sec. 7.7-12 Campaign contributions and expenditures reports; forms; certification; statements of inactivity; interest earned; dissolution procedures; filing of report forms; Repealing Sec. 7.7-13 Time for filing reports of contributions and expenditures or statements of inactivity; Repealing Sec. 7.7-15, Requirement to file reports and penalties for violation; Repealing Sec. 7.7-16, Suspected violation, Repealing Sec. 7.7-17, Disclosure of affidavit; Repealing Sec. 7.7-18, Withdrawal of affidavit; Repealing Sec. 7.7-19 Abstention for conflict of interest; and Repealing Sec. 7.7-20, Individual or family contributions; Repealing Sec. 7.7-21 Corporate contribution; of the Broken Arrow Code; specifically including language to comply with the Municipal Campaign Finance and Financial Disclosure Act; repealing all ordinances to the contrary and declaring an emergency

## **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. economic development and specifically discussing an economic development proposal involving property located in South Broken Arrow, south of the Creek Turnpike, north of Tucson Avenue (121st Street) and between Olive Avenue (129th Street) and Aspen Avenue (145th Street), to include the transfer of property, financing, appraisal and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development proposal,

under 25 O.S. §307(C)(10); and

2. the possible purchase and appraisal of real property located at 201 East Washington Street (the southeast corner of East Washington Street and South 1st Place), Broken Arrow, Oklahoma, and possible action in open session, including authorization to negotiate for the potential purchase of this real property and obtain additional appraisals for this real property, under 25 O.S. §307(B)(3); and

3. Discussing the employment of the City Manager, Michael L. Spurgeon, and to permit the City Council to conduct a six (6) month evaluation as provided for in his Employment Agreement, and taking appropriate action in open session regarding his employment and contract as allowed for under 25 O.S. § 307(B)(1).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to protect the confidentiality of the businesses and also that disclosure will impair the ability of the City Council to process the pending appraisal and acquisition of real property 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