



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, November 1, 2016

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. [16-966](#) Approval of City Council Meeting Minutes of October 18, 2016
- B. [16-1318](#) Notification of Architect-Engineer Agreements and Professional Services Contracts and Amendments with a value of less than \$25,000
- C. [16-1268](#) Ratification of a Disclosure Counsel Agreement with Hilborne & Weidman, a Professional Corporation for services related to the approval and issuance of General Obligation Bonds in one or more series
- D. [16-1303](#) Approval of and authorization to execute an agreement between Indian Nations Council of Governments (INCOG) and City of Broken Arrow for Congestion Mitigation and Air Quality (CMAQ) Funds for purchase and installation of ambulance idle reduction equipment
- E. [16-1294](#) Approval of and authorization to execute a Gas Facilities Relocation Agreement with Oklahoma Natural Gas Company for 9th Street Widening from Flight Safety to Houston Street (Project No. ST1210)
- F. [16-1232](#) Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association
- G. [16-1301](#) Approval of and authorization to execute Albany Corridor Study Pay Request Number 2 to Cowan Group Engineering through the Sales Tax Capital Improvement (STCI) Program in association with the Stoney Creek Hotel and Conference Center
- H. [16-1272](#) Approval of and authorization to surplus six (6) ambulance cots for trade-in

credit towards the purchase of six (6) new ambulance cots

- I. [16-1293](#) Approval of and authorization to purchase one Dodge Ram 1500 Crew Cab four-wheel drive Pickup from John Vance Motors pursuant to the State Contract for Development Services Department
- J. [16-1283](#) Notification of Change Orders with a value of less than \$25,000 on public contracts
- K. [16-1310](#) Approval of Planned Unit Development, PUD-252, The Shops at Broken Arrow II Amended, 18.90 acres, CH/SP-223, one-quarter mile east of 9th Street, north of the Broken Arrow Expressway
- L. [16-1304](#) Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement for a tract of land that is part of Lot Six (6), Block Two (2), Lemon Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- M. [16-1296](#) Acceptance of a Sidewalk Easement from AMERCO Real Estate Company for a U-Haul Store, located south of New Orleans Street, and approximately a quarter mile west of Elm Place, on a platted parcel of land that is part of Lot One (1), Block One (1), "Water Tower Park", a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma (Section 27, T18N, R14E)
- N. [16-1298](#) Acceptance of a Sidewalk Easement from AMERCO Real Estate Company for a U-Haul Store, located south of New Orleans Street, and approximately a quarter mile west of Elm Place, on a platted parcel of land that is part of Reserve C, "Water Tower Park", a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma (Section 27, T18N, R14E)
- O. [16-1306](#) Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow a tract of land located in the N/2 W/2 NW/4 of Section 28, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma for the New Orleans Street improvements from Olive to Aspen (Project No. ST1209)
- P. [16-1308](#) Acceptance of a Utility Easement and Temporary Construction Easement for a tract of land that is part of Lots Nine (9) and Ten (10), Block One (1), East Haskell Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- Q. [16-1302](#) Acceptance of a Utility Easement and Temporary Construction Easement for a tract of land that is part of Lots Ten (10) and Eleven (11), Block One (1), East Haskell Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- R. [16-1311](#) Approval of Specific Use Permit, SP-277, Tiger Plaza Daycare Facility, 6.23

acres, Zoned-CG, east of the northeast corner of 23rd Street and Kenosha Street

- S. [16-840](#) Approval of the Broken Arrow City Council Claims List for November 01, 2016

6. Consideration of Items Removed from Consent Agenda

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

- A. [16-1292](#) Presentation by Oklahoma State Representative David Brumbaugh acknowledging work of the City staff

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. [16-1322](#) Consideration, discussion, and possible approval of and authorization to execute a Fourth Amendment to Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to improvements in the Rose District
- B. [16-1312](#) Consideration, discussion, and possible approval and direction by City Council to publish Legal Notice of Annexation for the voluntary annexation of property located at 12830 South 189th East Avenue, Broken Arrow, Oklahoma 74011, containing 27.97 acres 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, more particularly described as: Commencing at the SE corner of the SE/4 of said Section One; Thence S88°40'43"W along the South Line of the SE/4 of said Section One a distance of 240.00 feet to a Point of Beginning; Thence S88°40'43"W continuing along said South Line a distance of 1215.20 feet; Thence N15°00'00"E a distance of 581.31 feet; Thence N35°13'00"E a distance of 789.80 feet; Thence N01°01'00"E for a distance 134.40 feet to the North Line of the S/2 of the SE/4 of said Section One; Thence N88°41'52"E along the North Line of the S/2 of the SE/4 a distance of 155.95 feet; Thence S01°25'25"E a distance of 331.67 feet; Thence N88°41'35"E a distance of 658.24 feet to the East Line of SE/4 of said Section One; Thence S01°24'02"E along said East Line a distance of 540.86 feet; Thence S88°40'43"W a distance of 240.00 feet; Thence S01°24'02"E a distance of 454.00 feet to the Point of Beginning
- C. [16-1309](#) Consideration, discussion, and possible approval of a proposal to create 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

- D.** [16-1317](#) Consideration, discussion, and possible approval of Resolution No. 948, a Resolution authorizing the City Attorney to enter into the Final Journal Entry of Judgment in the Matter of Richard Arnold Dodson and Robin Elizabeth Dodson, Trustees of the Dodson Revocable Living Trust, dated December 2, 2013 v City of Broken Arrow, et al, filed in Tulsa County, State of Oklahoma, Case No. CV-2016-01362 authorizing foreclosure and vacation of an easement located east and southeast of Block 8, Lot 1 across Indian Springs Golf Course
- E.** [16-1316](#) Consideration, discussion, and possible approval of Resolution No. 949, a Resolution authorizing the City Attorney to enter into the Final Journal Entry of Judgment in the Matter of Thomas Goekeler and Stephanie Goekeler v City of Broken Arrow, et al, filed in Tulsa County, State of Oklahoma, Case No. CV-2016-01369 authorizing foreclosure and vacation of an easement generally located approximately 1/2 mile north of West Florence Street and east of South Mingo Road
- F.** [16-1338](#) Consideration, discussion, and possible approval of Resolution No. 955, a Resolution of the City Council of the City of Broken Arrow expressing concern about the instability and insufficiency of current revenue sources for municipal operational and capital expenditures, expressing support for public education and, specifically, for the Broken Arrow, Union and Bixby Public School Districts that provide education and opportunities to children and residents within its corporate limits and fenceline, encouraging the Oklahoma Legislature to explore alternative funding sources for public education and municipal operations

10. Preview Ordinances

- A.** [16-1315](#) Consideration, discussion, and possible preview of an ordinance amending 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

11. Ordinances

- A. [16-1307](#) Consideration, discussion, and possible adoption of Ordinance Number 3456 closing a utility easement 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

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, and the City Attorney for the purpose of discussing litigation involving Elton Fernandes, United States District Court for the Northern District of Oklahoma, Case Number 16-CV-630-CVE-FHM under 25 O.S. §307(B)(4).

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 pending 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