



City of Broken Arrow
Meeting Agenda
Broken Arrow City Council

Mayor Craig Thurmond
Vice Mayor Scott Eudey
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Debra Wimpee

Tuesday, August 1, 2017

6:30 PM

Council Chambers
220 S. 1st Street
Broken Arrow, OK

AMENDED

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

A. [17-1688](#) Approval of City Council Meeting Minutes of July 18, 2017

Attachments: [07-18-17 City Council Minutes](#)

B. [17-2480](#) Approval of and authorization to execute a Professional Consultant Agreement with R. L. Shears Company, P.C. for Design of Veterans Park Improvements - Phase II (Project No. 186019)

Attachments: [AE Agreement Signed by Consultant.pdf](#)

C. [17-2475](#) Approval of and authorization to execute Amendment No. 2 to an Architect/Engineer Contract with CEC Corporation for Design of Florence Street Widening, Olive Avenue to Aspen Avenue (Project No. ST1410)

Attachments: [Amendment No. 2 Signed by Consultant.pdf](#)

D. [17-2476](#) Approval of the recommended social services awards for Program Year (PY) 2017 Community Development Block Grant (CDBG) Funding and authorization to execute Social Services Contracts

Attachments: [08-01-17 INCOG Memo on SS Allocations for PY2017](#)
[08-01-17 CDBG PY2017 Social Services Applications](#)

E. [17-2482](#) Approval of and authorization to purchase annual software maintenance services from Superior, L.L.C.

Attachments: [Superion Maintenance Renewal 2017.pdf](#)

- F. [17-2436](#) Award the most advantageous bid to Defenders Supply, and approval of and authorization to purchase police vehicle lighting equipment

Attachments: [FY18 Defender Supply - lighting](#)

- G. [17-2481](#) Award the lowest responsible bid to Cook Consulting, LLC, and approve and authorize execution of a construction contract for 4-Ton Bridge Rehabilitation (Project No. ST1303)

Attachments: [Certified Bid Tab.pdf](#)

- H. [17-2474](#) Award the lowest responsible bid to Traffic & Lighting Systems, LLC, and approve and authorize execution of a construction contract for Kenosha and 79th Street Traffic Signal (Project No. 175115)

Attachments: [Certified Bid Tabulation.pdf](#)

- I. [17-2441](#) Approve the Final Acceptance for the public improvements at Fed Ex located at 1214 East Houston Street

Attachments: [Infrastructure Inventory](#)

- J. [17-2439](#) Approve the Final Acceptance for the public improvement at Mullin Plumbing located at 100 South 23rd Street

Attachments: [Stormsewer Infrastructure](#)

- K. [17-2448](#) Approval of SP-280 (Specific Use Permit), Graves Scout Reservation, 170.01 acres, A-1, northeast corner of New Orleans Street and 23rd Street

Attachments: [1-PUBLISHED PC FACTSHEET](#)

[2-CASE MAP.SP 280](#)

[3- AERIAL.SP 280](#)

[4-COMP PLAN.SP 280](#)

[5-SIGN DETAILS](#)

[6-SIDEWALK INFORMATION](#)

[7-APPROVED SITE PLAN FOR JACK GRAVES CENTER](#)

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[8-RIGHT-OF-WAY DEDICATION RECORDED DOCUMENT](#)

- L. [16-1574](#) Approval of the Broken Arrow City Council Claims List for August 01, 2017

Attachments: [08-01-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A. [17-2468](#) Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring the City of Broken Arrow as a Purple Heart City as of August 1, 2017, in recognition of the service and sacrifice of

the men and women of Broken Arrow who have served our country

Attachments: [Proclamation - Purple Heart City](#)

- B. [17-2493](#) Acceptance of a Recognition Plaque presented by the Patriot members of the Ernest Childers Chapter 589 of The Military Order of the Purple Heart for Proclaiming Broken Arrow a Purple Heart City

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. [17-2489](#) Consideration, discussion, and possible approval of Resolution No. 1039, a Resolution expressing objection to illegal gaming on a Muscogee (Creek) Nation Allotment owned by Bim "Steve" Bruner, and located between the Creek Turnpike and Tucson Street, west of Olive Street, in the city limits of the City of Broken Arrow, Oklahoma (the "Bruner Allotment"); expressing its support for the Leadership of the Muscogee (Creek) Nation, and specifically expressing its appreciation to the Leadership of the Muscogee (Creek) Nation for taking measures to investigate and address illegal gaming within its jurisdiction; authorizing Stephen Bugg, Attorney at Law, to notify the National Indian Gaming Commission (the "NIGC") of the Council's objection to illegal gaming on the Bruner Allotment, and also to the Department of the Interior of the Solicitor and the Bureau of Indian Affairs, of the City Council's objection to illegal gaming on the Bruner Allotment; and approval of and authorization for the City Manager to take all actions reasonably necessary to assist with addressing illegal gaming on the Bruner Allotment and to work to address all matters of concern regarding development on the Bruner Allotment that relate to the health, safety and welfare of the citizens of the City of Broken Arrow

Attachments: [BRUNER RESOLUTION MCN EDIT Resolution 1039.docx](#)

- B. [17-2484](#) Consideration, discussion, and possible approval to grant a waiver for property owned by Ryan Adams, and Shane and Brittany Casey located within the Steeplechase Farms and Amended Glen Eagles subdivisions regarding the Assessment District for stormwater initiated in 2007

Attachments: [2017 0721 Ryan Adams Appeal Letter - Steeplechase Farms resident Steeplechase Amended Glen Eagles appeal request Shane Casey](#)

- C. [17-2494](#) Consideration, discussion, and possible approval of and authorization to execute an Amended Engagement Letter with Arledge & Associates, P.C. to conduct the Fiscal Year 2017 Audit superseding the Engagement Letter dated May 25, 2017

Attachments: [Arledge & Associates, P.C. Amended Engagement Letter](#)

- D. [17-2284](#) Consideration, discussion, and possible approval of and authorization to execute a Master Lease Agreement between New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and the City of Broken Arrow, Oklahoma, regarding the placement of communication facilities on City properties and

utility poles

Attachments: [Ordinance 3482 Cell Towers](#)
[Master Lease Agreement...Broken Arrow.20170724](#)

- E. [17-2251](#) Consideration, discussion, and possible approval of Resolution No. 1019, a Resolution of the Broken Arrow City Council declaring approximately 1.864 acres of city-owned property located at 305 North Main Street, surplus and authorizing transfer to the Broken Arrow Economic Development Authority, an Oklahoma Public Trust of which the City of Broken Arrow is the sole beneficiary for good and valuable consideration and specifically for the public purpose of furthering the City's economic development goals; and approving and authorizing the execution of certain documents necessary to accomplish the declaration of surplus and transfer of title, including a General Warranty Deed; and containing other provisions relating thereto

Attachments: [08-01-2017 RESOLUTION NO 1019 - CITY DECLARING PROPERTY SURF GENERAL WARRANTY DEED \(Oklahoma Statutory Form\)](#)

- F. [17-2483](#) Consideration, discussion, and possible approval of Resolution No. 1023-Corrected, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of Rivergate Crossroads v. City of Broken Arrow, Tulsa County District Court Case CV-2017-00590, authorizing a foreclosure and vacation of mutual access and utility easements generally located north of the Broken Arrow Expressway, a quarter mile west of 9th Street

Attachments: [RESOLUTION NO 1023-Corrected](#)

- G. [17-2485](#) Consideration, discussion, and possible approval of Resolution No. 1029, a Resolution of the Broken Arrow City Council, an Oklahoma Municipal Corporation, accepting, agreeing, and consenting to a First Amendment to the Trust Indenture of the Broken Arrow Industrial Trust, which provides for clarification of the language describing the trust estate; which further provides that the Trustees shall be the members of the Broken Arrow City Council, as said Council is from time to time constituted; which further provides that the Mayor of the City of Broken Arrow shall be the Chairman of the Trust and the Vice-Mayor shall be the Vice-Chairman of said Trust; which further provides for the clarification and expansion of the powers and duties of the Trustees in accordance with the purposes set forth in said trust indenture; and which further provides for addition of a new section providing for a secretary, treasurer, and manager of the Trust; to reaffirm and re-accept the City's beneficial interest in the trust herein created for and provided for and finding that such actions are in the best interests of the City of Broken Arrow and the health, safety, and welfare of the City and residents within and near the City

Attachments: [7-29-17 Res 1029.doc](#)
[First Amendmnet to Trust Indenture of BAIT 8-1-2017.doc](#)
[Resolution 1028 Signed.pdf](#)

- H. [17-2465](#) Consideration, discussion, and possible approval of Resolution No. 1038, a Resolution of the Broken Arrow City Council approving and authorizing execution of a certain Economic Development Agreement by and among the City of Broken Arrow and Alfa Laval, Inc.; and other provisions relating thereto

Attachments: [8-1-2017 Res. 1038](#)
[ECONOMIC DEVELOPMENT AGREEMENT-FINALWithExhibitaAndBAnd](#)

- I. [17-2502](#) Consideration, discussion, and possible approval of Resolution No. 1042, a Resolution of the Broken Arrow City Council approving and authorizing execution of a certain Economic Development Agreement by and among the Broken Arrow Economic Development Authority, the City of Broken Arrow, Oklahoma, and Milestone Capital, L.L.C.; Designating representatives of the City of Broken Arrow for purposes of granting certain approvals and executing certain instruments as required under and in connection with said Agreement; and containing other provisions relating thereto

Attachments: [Resolution 1042.docx](#)

10. Preview Ordinances - - NONE

11. Ordinances

- A. [17-2445](#) Consideration, discussion, and possible adoption of Ordinance No. 3488-Corrected, an Ordinance closing a utility easement on property located in the Northeast Quarter (NE/4) of Section Twenty Two (22), Township Eighteen (18), North Range Fourteen (14) East, Arrow Park Addition Amended, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located south and west of the southwest corner of Washington Street and Elm Place; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [Ordinance 3488-Corrected](#)
[Exhibit A Easement Closure](#)
[Amended Plat Arrow Park Addition](#)

- B. [17-2446](#) Consideration, discussion, and possible adoption of Ordinance No. 3489-Corrected, amending Chapter 16, Offenses-MISCELLANEOUS, Article 1, In General, Section 16-28, Possession of marijuana and controlled dangerous substances; adding Schedule I and II drugs to the definition of controlled dangerous substances, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [Ordinance 3489 - Corrected](#)

- C. [17-2447](#) Consideration, discussion, and possible adoption of Ordinance No. 3490-Corrected, amending Chapter 16, Offenses-MISCELLANEOUS, Article III, Offenses Against Property, Section 16-56, Petit Larceny, amending the definition of Petit Larceny to be the taking of personal property of a value not to exceed \$1,000, amending the maximum

punishment to be imprisonment of not more than 30 days, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [Ordinance 3490-Corrected](#)

- D.** [17-2491](#) Consideration, discussion, and possible adoption of Ordinance No. 3491, amending the Broken Arrow Code, Chapter 8, Cemeteries, Article II, Park Grove Cemetery; Division 1. Generally; Sec. 8-33 Benches, urns, etc. prohibited to provide for the installation of memory benches, the sale of memory benches and designating types and areas where benches are allowed; repealing all ordinances to the contrary; and declaring and emergency

Attachments: [Memorial bench ordinance XXX adding memorial benches](#)
[BENCH LOCATIONS, POSSIBLE JULY 17](#)
[Memorial benches ordinance change 2017 standard bench example](#)
[Memorial benches ordinance change 2017 bench in cemetery photo](#)
[Memorial benches ordinance change 2017 bench in floral haven photo](#)

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, and possible action in open session regarding the following:

Workers' Compensation Court Case, Tony McGill vs. City of Broken Arrow; to include updating the City Council, discussing appeal and other matters and taking appropriate action under 25 O.S. §307(B)(4); and

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. 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 Worker's Compensation claim, 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