



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, July 3, 2018

6:30 PM

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

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [18-506](#) Approval of Broken Arrow City Council Meeting Minutes of June 18, 2018
- B. [18-771](#) Authorization for the Mayor to execute a letter supporting the City of Broken Arrow application for Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant funds for 23rd Street (Project ST0914)
- C. [18-760](#) Approval of and authorization to execute Resolution No. 1112 for the City of Broken Arrow requesting programming of Tulsa Urbanized Area Transportation Alternative Funds for the Broken Arrow Creek Trail Phase 2 project
- D. [18-722](#) Approval of and authorization to execute renewal of agreement for automatic aid in fire protection and first response and mutual aid in fire protection and first response between the City of Tulsa and the City of Broken Arrow
- E. [18-688](#) Approval of and authorization to execute renewal of an annual Commercial Services Agreement with Cox Communications for data and telephone services for fiscal year 2018-19
- F. [18-766](#) Approval of and authorization to execute the Amendment No. 1 to Agreement for Professional Consulting Services for Tiger Hill Soldier Pile Retaining Wall (Project No. 171703)
- G. [18-764](#) Approval of and authorization to execute a Professional Services Agreement with Doerner, Saunders, Daniel & Anderson, L.L.P., for providing counsel and legal advice regarding employment, labor issues and to review daily court filings
- H. [18-762](#) Approval of and authorization to execute a Professional Services Agreement with Doerner, Saunders, Daniel & Anderson, L.L.P., for providing counsel and legal advice regarding zoning litigation and conflict of interest issues
- I. [18-769](#) Approval of and authorization to execute a Professional Services Agreement with Kivell, Rayment & Francis, P.C., for providing counsel and legal advice regarding right-of-way acquisitions, title opinions and property law
- J. [18-753](#) Approval of and authorization to execute a Professional Services Agreement with McDonald

& Metcalf, L.L.P., for providing counsel and legal advice regarding Tiger Hill Retaining Wall Design and Construction Defect Dispute with Contech, Inc., O.J.C., Co., and Heartstone

- K. [18-765](#) Approval of and authorization to execute a Professional Services Agreement with McAfee & Taft, P.C., for providing counsel and legal advice regarding sovereignty law, employment law and labor law
- L. [18-768](#) Approval of and authorization to execute Professional Consultant Contract with Traffic Engineering Consultants, Inc., for New Traffic Signal at the Intersection of Hillside Drive and 23rd Street (193rd East Avenue) (TS1901)
- M. [18-761](#) Approval of and authorization to execute a Gas Facilities Relocation Agreement between Oklahoma Natural Gas Company (ONG) and the City of Broken Arrow for Omaha Street Culvert Project (Project No. SW1604)
- N. [18-776](#) Approval of and authorization to execute the City of Broken Arrow Annual Services Contract with Broken Arrow Seniors, Inc.
- O. [18-775](#) Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Seniors, Inc.
- P. [18-773](#) Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Rugby Football Club
- Q. [18-777](#) Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Volleyball Club for the use of Nienhuis Park Community Center
- R. [18-758](#) Approval of and authorization to execute - Change Order CO2 for the Construction Contract #176041; Events Park Security Lighting
- S. [18-754](#) Notification of Change Orders or Work Orders with a value of less than \$25,000 on Public Contracts
- T. [18-757](#) Approval of and authorization of Final Acceptance for the public improvement at Emerson Orthodontics located at 800 West Mission Street
- U. [18-745](#) Approval of BAZ-2002, Margaret H. Page Revocable Trust, 2.58 acres, A-R-1 to RS-1, one-quarter mile west of Elm Place, one-third mile north of Jasper Street
- V. [18-40](#) Approval of the Broken Arrow City Council Claims for July 03, 2018

6. Consideration of Items Removed from Consent Agenda

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

- A. [18-749](#) Consideration, discussion, and possible action regarding the Public Nuisance Officer's decision on June 7, 2018 to declare 2701 East Norman Place, Broken Arrow, Oklahoma 74014; Arrow Village Mobile City Lot 274 1.00 Lots, Wagoner County as a dilapidated structure, a public nuisance and authorization to demolish the property; Case No. 18-10029764
- B. [18-741](#) Consideration, discussion, and possible action regarding Planning Commission's decision on May 24, 2018, to deny BAZ-2000, Angus Acres Perimeter Rezoning, approximately 15 acres, A-R-1 to ON, south and east of the southeast corner of Kenosha Street and 23rd Street

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. [18-704](#) Approval of and authorization to execute a Project Agreement between The Oklahoma Department of Transportation (ODOT) and the City of Broken Arrow for the Broken Arrow: Main Street Bicycle Facilities (Project No. 166026)
- B. [18-746](#) Consideration, discussion and possible approval of PUD-253A (Planned Unit Development Major Amendment), North Rose Business Park (A.K.A. Kenosha-Elm Business Park), 13.20 acres, R-2, RM, CM, and CH to ON, CN, and IL (BAZ-1965)/PUD-253A, north of Kenosha Street, one-quarter mile east of Elm Place
- C. [18-756](#) Consideration, discussion and possible approval to execute an agreement between the City of Broken Arrow and Rushbrooke South Homeowners' Association, Inc. concerning the construction of certain specific drainage improvements to the east branch of Haikey Creek
- D. [18-646](#) Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow, Oklahoma, a municipal corporation, a tract of land located in part of the SW ¼ of Section 21, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Rushbrooke Drainage and Erosion Control Project

10. Preview Ordinances

- A. [18-627](#) Consideration, discussion, and possible preview of an ordinance amending Chapter 14, Municipal Court, Article 1, In General, Section 14-32, by adding a breakdown of court costs collected, along with a provision authorizing the clerk of the municipal court to charge and collect a technology and administrative fee; providing for severability; repealing all ordinances to the contrary; and declaring an emergency
- B. [18-744](#) Consideration, discussion, and possible preview of an Ordinance for a Temporary Turnaround Easement Closure from David and Misty Yonce, on property located one-quarter mile south of Jasper Street, one-quarter mile east of Olive Avenue, Tulsa County, State of Oklahoma, (Section 09, T17N, R14E); repealing all ordinances to the contrary; and declaring an emergency

11. Ordinances - NONE

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, the City Attorney and any other pertinent staff members discussing and conferring on matters pertaining to:

1. Litigation, including potential resolution, of a matter involving litigation in the matter of Francis Patrick Charon v. City of Broken Arrow et. AL, CJ-2016-0834, Tulsa County District Court, Case No. 5:17-CV-01221-R, and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4); and
2. Litigation, including potential resolution, of a matter involving the tort claim of Kristy Blevins-Wolfe vs. City of Broken Arrow, TRT577.2018, and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4); and
3. Litigation, including potential resolution, of a matter involving the tort claim of Jason Blevins vs. City of Broken Arrow, TRT576.2018, and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claim, litigation and possible litigation and that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding 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