



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

Monday, July 3, 2017

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. [17-1679](#) Approval of City Council Meeting Minutes of June 5, 2017

Attachments: [06-05-17 Council Minutes](#)

B. [17-1682](#) Approval of City Council Meeting Minutes of June 15, 2017

Attachments: [06-15-2017 Council Minutes](#)

C. [17-2381](#) Approval of and authorization to execute a proposal with United States Fire Insurance Company to provide specific and aggregate re-insurance coverage for the employee health plan for fiscal year 2017-18

Attachments: [US Fire Proposal](#)

D. [17-2394](#) Approval of and authorization to declare the month of July National Parks and Recreation Month in the City of Broken Arrow

Attachments: [Parks and Recreation Certificate of Recognition](#)

E. [17-2395](#) Approval of Downtown Residential Overlay Study Pay Request Number 6 in the amount of \$20,847.87, for Phase Three, to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$20,847.87 using Sales Tax Capital Improvement Program Funds

Attachments: [INVOICE 14202 .pdf](#)
[Executed Agreement.pdf](#)

- F. [17-2358](#) Approval of and authorization to execute a Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to the Albany and Stonewood Intersection Improvement Project

Attachments: [Albany and Stonewood BOCC Agree](#)

- G. [17-2350](#) Approval of and authorization to execute a renewal of the City of Broken Arrow Golf Course Professional Management Services Agreement with Greenway Golf Associates, Inc. on city-owned land known as the Battle Creek Golf Course

Attachments: [2018renewalagreement](#)

- H. [17-2354](#) Approval of and authorization to execute a renewal lease agreement with Peyday Realty, LLC, for space at the Oak Crest Shopping Center, 1635 South Main Street, to house the Department of Public Safety Driver License Exam Site

Attachments: [Oak Crest Shopping Center Lease Agreement 7-3-17 Signed](#)

- I. [17-2341](#) Approval of and authorization to execute a Professional Consultant Agreement with Professional Engineering Consultants, P.A. for Design of Events Park Adult Softball Fields (Project No. 176037)

Attachments: [170620 Events Park Softball Field Contract signed by AE & Legal](#)

- J. [17-2316](#) Approval of and authorization to execute a Professional Consultant Services Contract with Destination Services, LLC for a strategic plan implementation for the Broken Arrow Convention and Visitors' Bureau

Attachments: [Services Contract with Destination Services, LLC.](#)

- K. [17-2389](#) Approval of and authorization to execute the City of Broken Arrow Annual Services Contract with Broken Arrow Seniors, Inc.

Attachments: [BASI Service Contract Signed 2017-18](#)

- L. [17-2388](#) Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Seniors, Inc.

Attachments: [BASI Signed Contract 2017-18](#)

- M. [17-2387](#) Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Community Playhouse

Attachments: [BACP Signed Contract 2017-18](#)

- N. [17-2318](#) Approval of and authorization to execute a Use Agreement with the Broken Arrow Historical Society for fiscal year 2017-2018

- Attachments:** [Signed Broken Arrow Historical Society Use Agreement 2017-2018](#)
- O. [17-2328](#) Approval of and authorization to execute a Use Agreement with the Broken Arrow Military History Center
- Attachments:** [Signed Military History Center 2018 Use Agreement](#)
- P. [17-2356](#) Authorization to purchase six (6) PowerLOAD Ambulance Cot Loading systems from Stryker EMS
- Attachments:** [Stryker Power-LOAD Quote 2016](#)
[FEMA FY2016 AFG Award - Stryker Power-LOAD](#)
- Q. [17-2337](#) Award the most advantageous bid to All Media Integration for the purchase of video production equipment
- Attachments:** [17.181 bid tab](#)
- R. [17-2334](#) Award the lowest responsible bid to Magnum Construction, Inc., and approve and authorize execution of a construction contract for 4th Street Sidewalk, Detroit to Midway and East Kenosha Street Multipurpose Trail (Project No. ST1708/176032)
- Attachments:** [Certified Bid Tabulation](#)
- S. [17-2336](#) Award the lowest responsible bid to Vance Brothers, Inc., and approve and authorize execution of a construction contract for Micro Surface and Ultra-Thin Bonded Overlay (Project No. ST1714) for the Eagle Creek I-VI subdivisions, Country Aire, and Cambridge Estates subdivisions
- Attachments:** [170606 Bid Tab Certified Microsurfacing and Slurry Seal](#)
- T. [17-2386](#) Approval of and authorization to execute Change Order C01 for Construction Contract ST1615; Fairfax Concrete Repair, Mill and Overlay
- Attachments:** [Fairfax Subdivision - Change Order #1](#)
[Executed WCD #1 - ST1615](#)
- U. [17-2352](#) Approve the Final Acceptance for the public improvements at Rabbit Run, located South West of New Orleans and Olive
- Attachments:** [Infrastructure Inventory](#)
- V. [17-2351](#) Approve the Final Acceptance for the public improvements at Scissortail Crossing Apartments, located at 2800 North 23rd Street
- Attachments:** [Itemized Cost Breakdown](#)
- W. [17-2339](#) Approval of BAZ- 1982 (rezoning), Clintco Properties LLC, 0.73 acres, CH and R-3 to DM, northwest corner of El Paso Street and First Street and the southwest corner of El Paso Street and First Street

- Attachments:** [1-PUBLISHED FACT SHEET](#)
[2-CASE MAP.BAZ 1982](#)
[3-AERIAL.BAZ 1982](#)
[4-COMP PLAN.BAZ 1982](#)
[5-ORIGINAL TOWN OF BROKEN ARROW PLAT](#)

- X. [17-2342](#) Approval of PT15-117A-1, Conditional Final Plat, Ninety One - Phase 2, 68 lots, 18.20 acres, A-1 to RS-3, one-quarter mile north of Washington Street and one-quarter mile east of 9th Street

- Attachments:** [1-PUBLISHED FACT SHEET](#)
[2-CHECKLIST.NINETY ONE PHASE 2](#)
[3-NINETY ONE-PHASE 2 PLAT AND COVENANTS](#)
[4-LETTER REGARDING OIL WELLS](#)
[5-OIL WELL EXHIBIT](#)

- Y. [17-2340](#) Approval of SP-279 (Specific Use Permit), Union Peters Elementary, 10.34 acres, R-1, one-half mile south of Kenosha Street, one-quarter mile east of Olive Avenue

- Attachments:** [1-published fact sheet](#)
[2-CASE MAP.SP-279](#)
[3-AERIAL.SP 279](#)
[4-SIGN SITE PLAN](#)
[5-SIGN DETAIL](#)

- Z. [17-2268](#) Approval of and authorization to accept a Special Warranty Deed for the real property located at 709 Magnolia Court in Broken Arrow (the former Bever residence)

- Attachments:** [Recorded Deed.pdf](#)
[Recorded Deed 2 .pdf](#)

- AA. [17-2359](#) Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow by Broken Arrow Public Schools on a tract of land in the Southeast Quarter of Section 6, Township 18 North, Range 15 East, on the west side of 37th Street north of Kenosha Street for 37th Street Widening from Houston to Albany (Project No. ST1413)

- Attachments:** [170621 School TCE signed by BAPS and Legal](#)

- BB. [16-1568](#) Approval of the Broken Arrow City Council Claims List for July 03, 2017

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

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards - - NONE

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. [17-2355](#) Presentation, discussion, and review of a proposed development for the Embers Grill formerly identified as the Red Creek Dance Hall and Restaurant and the surrounding property located between the Creek Turnpike and Tucson Street, West of Olive Street in the City limits of Broken Arrow, Oklahoma

B. [17-2329](#) Approval and authorization to execute a First Amendment to the Customer Service Agreement #201302420574 between the City of Broken Arrow and Windstream Communications for 9-1-1 Services

Attachments: [First Amendment to Windstream Customer Service Agreement 06-19-2017](#)

C. [17-2390](#) Consideration, discussion, and possible approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C., Attorneys at Law, for representation of the City of Broken Arrow in the matter of Francis Patrick Charon, Tulsa County District Court Case Number CJ-2016-00834

Attachments: [McAfee & Taft - Professional Services Agreement - Charon case.doc](#)

D. [17-2385](#) Consideration, discussion and possible approval of Resolution No. 1030, a Resolution of Necessity to file a Small Claims action against Deep, LLC dba Luxury Inn & Suites, 1401 N. Elm Place, Broken Arrow, Oklahoma 74012 for failure to report and pay Hotel Occupancy Tax owing for the period of January 2016 through December 2016

Attachments: [6-20-17 Resolution 1030 DEEP, LLC tax resolution.docx](#)

E. [17-2378](#) Consideration, discussion, and possible adoption of a policy for nominating individuals to the City of Broken Arrow Planning Commission and Board of Adjustment

Attachments: [2017-07-03 Policy for Nominating individuals BOA and PC](#)

F. [17-2393](#) Consideration, discussion, and possible approval to appoint Councilmember Debra Wimpee to the Broken Arrow Public School Foundation

10. Preview Ordinances

A. [17-2348](#) Consideration, discussion, and possible preview of 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 (Bob Harper)

Attachments: [2-Preview.ordinance.Bob Harper](#)
[3-EXHIBIT A EASEMENT CLOSURE](#)
[4- Amended Plat Arrow Park Addition](#)

- B. [17-2382](#) Consideration, discussion, and possible preview of an ordinance amending Chapter 16, Offenses-MISCELLANEOUS, Article 1, In General, Section 16-28, Possession of marijuana and controlled dangerous substances, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [7-3-17 Ordinance amending Chapter 16 offenses 1.docx](#)

- C. [17-2384](#) Consideration, discussion, and possible preview of an ordinance amending Chapter 16, Offenses-MISCELLANEOUS, Article III, Offenses Against Property, Section 16-56, Petit Larceny, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [7-3-17 Ordinance amending Chapter 16 offenses article III.docx](#)

11. Ordinances

- A. [17-2343](#) Consideration, discussion, and possible adoption of Ordinance No. 3486, amending the Broken Arrow Code of Ordinances, Chapter 10, Fire Prevention and Protection, Article I, In General Section 10-1. - Life Safety Code; penalty for violation, specifically amending to adopt The International Fire Code as the Life Safety Code for the City; repealing Section 10-2. -Fire Protection standards-Nonsprinklered multifamily residences, Section 10-2.2, Multifamily with sprinkler system, specifically amending the requirements for multifamily fire suppression systems, Article II.- Fire Department, Division 1.- Generally, Section 10- 27.- Specialized services, specifically amending to reference the International Fire Code and the Manual of Fees, Article III.- Fire Prevention Code, Section 10-51.- International Fire Code including Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, and Appendix I, general regulations of explosives; adopted by reference; conflicts; amendments, specifically amending Fire Department Connection requirements; repealing all ordinances to the contrary and declaring an emergency

Attachments: [Final Ordinance 3486.docx](#)
[Notice of Adoption Letter.docx](#)

- B. [17-2391](#) Consideration, discussion, and possible approval of Ordinance No. 3487, an ordinance amending the Code of Ordinances of the City of Broken Arrow, Chapter 7, Business Regulations and Licenses, Article I, In General, adding Section 7.12, Mobile Food Vendors; repealing all ordinances to the contrary and declaring an emergency

Attachments: [SIGNED ORD 3487.pdf](#)
[MOBILE FOOD VENDOR APPLICATION.docx](#)
[PROPOSED FEES.docx](#)

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. Discussing litigation, including potential resolution, involving 71st Midway, an Oklahoma Limited Liability Company vs. City of Broken Arrow, Case No. CV 2016 27 in the District Court of Wagoner County, State of Oklahoma, and taking appropriate action in open session, including authorization to settle this litigation, under 25 O.S. § 307(B)(4).

2. Discussing litigation, including potential resolution, involving Amy E. Hefley and Tracy A. Hefley, Case No. CJ-2017-1378 in the District Court of Wagoner County, State of Oklahoma and taking appropriate action in open session, including possible authorization to settle this litigation, 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