



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, August 16, 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. [16-978](#) Approval of Amended City Council Meeting Minutes of June 6, 2016
- B. [16-1014](#) Approval of City Council Special Meeting Minutes of August 2, 2016
- C. [16-951](#) Approval of City Council Meeting Minutes of August 2, 2016
- D. [16-998](#) Approval of minutes of Planning Commission meetings held June 9, June 23, and July 14, 2016
- E. [16-923](#) Approval of and authorization to execute a Use Agreement between the City of Broken Arrow and the Broken Arrow Military History Center
- F. [16-1008](#) Approval of and authorization to purchase annual software maintenance services from SunGard Public Sector, Inc.
- G. [16-934](#) Approval of and authorization to execute a contract with Precision Delta Corporation for the purchase of Police duty and practice ammunition
- H. [16-933](#) Review of bids received and award of the lowest responsible bid to SwiftReach Networks and approval of and authorization to purchase Emergency Community Notification System
- I. [16-932](#) Review of bids received and award of the lowest responsible bid to Bob Hurley Ford, and approval of and authorization to purchase Eleven (11) Ford Interceptor Sport Utility Vehicles (SUV) for the Police Department pursuant to State of Oklahoma Contract 1000009398 SW035
- J. [16-892](#) Review of bids received and award of the most advantageous and lowest and

best bid to Premiere Columbaria for the purchase and installation of a five piece columbaria set at the Park Grove Cemetery

- K. [16-1009](#) Approval of and authorization to waive formal competitive bidding, and approval of and authorization to purchase Rapid7's Nexpose Enterprise Vulnerability Software Application from Software House International pursuant to the Oklahoma Statewide Contract SW1041
- L. [16-984](#) Notification of Change Orders with a value of less than \$25,000 on Engineering and Construction contracts since the last City Council Meeting
- M. [16-996](#) Approval of PT15-120, Revised Conditional Final Plat, Aspen Ridge, 54 lots, 26.29 acres, A-1 to PUD-244A/RS-3, one-quarter mile north of the northwest corner of Jasper Street and Aspen Avenue
- N. [16-1004](#) Acceptance of a General Warranty Deed, Utility Easement and Temporary Construction Easement located at 201 North 9th Street in the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the US Government Survey for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- O. [16-1005](#) Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement for Lot Five (5), 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)
- P. [16-1006](#) Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement for Lot Three (3), 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)
- Q. [16-1003](#) Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement for Lot Ten (10), in a Re-subdivision of a portion of Block 1, Mound View 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. [16-1007](#) Acceptance of a Utility Easement and Temporary Construction Easement for Lots Five (5) and Six (6), Block One (1), East Haskell 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)
- S. [16-1013](#) Acceptance of a Utility Easement and Temporary Construction Easement for Lots Six (6) and Seven (7), Block One (1), East Haskell 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)

- T. [16-825](#) Approval of the Broken Arrow City Council Claims List for August 16, 2016

6. Consideration of Items Removed from Consent Agenda

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

- A. [16-995](#) Presentation on Aspen Avenue and Kenosha Street Improvements
Construction (Project No. ST1203)

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. [16-992](#) Consideration, discussion, and possible approval of and authorization to execute a Waiver of Conflict of Interest between Abatement Systems, Inc. and the City of Broken Arrow involving real property located at 2400 East College Street, Broken Arrow, Oklahoma
- B. [16-894](#) Consideration, discussion, and possible approval of and authorization to execute a Consent Order on Case Number 16-180 from the Oklahoma Department of Environmental Quality (ODEQ), Water Quality Division
- C. [16-935](#) Consideration, discussion, and possible approval of and authorization to execute a Third 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
- D. [16-937](#) Consideration, discussion, and possible 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 Sanitary Sewer System Improvements Project
- E. [16-1015](#) Consideration, discussion, and possible approval of and authorization to execute a Second Amended Contract for Program Management Services for the City Hall Renovation with Magnum Construction, Inc.
- F. [16-997](#) Consideration, discussion, and possible approval of Resolution No. 935, a Resolution approving the Fiscal Year 2017 Manual of Fees, establishing fees and costs charged by the City of Broken Arrow; authorizing the periodic adjustment and waiver of fees by the City Manager; and providing an effective date of September 1, 2016
- G. [16-990](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 936, a Resolution of the Broken Arrow City Council approving and authorizing a Contract for Sale of Real Estate for Real Property located at 201 East Washington Street, in Broken Arrow, Oklahoma 74012, Tulsa County, State of Oklahoma, approved July 5, 2016, by and between Chae Song Ko and Young Eun Ko and the City of Broken Arrow; and authorizing the City of Broken Arrow's expenditure of the sum of Two Hundred and Ten Thousand Dollars and Zero Cents (\$210,000.00) to effect

such purchase; as well as reasonable and necessary costs, including closing costs and escrow funds; designating representatives of the City of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said contract for sale of real estate; and containing other provisions relating thereto

- H. [16-1000](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 937, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances

10. Preview Ordinances

- A. [16-1012](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article II, Purchases, Section 2-25. - When prior approval of Council is required; Granting the City Manager the authority to waive City fees if in the best interest of the City; repealing all Ordinances to the contrary; and declaring an emergency
- B. [16-994](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article VIII, Planning Commission, Section 2-115. - Created; Composition; Specifically changing the language to reflect members of the Planning Commission shall be nominated by the Mayor to comply with Title 11, Section 45-102 of the Oklahoma State Statutes; repealing all Ordinances to the contrary; and declaring an emergency
- C. [16-871](#) Consideration, discussion, and possible preview of an amended Ordinance amending Chapter 22, Article IV Residential Development Fees, Section 22-64.- Fees; repealing all Ordinances to the contrary; and declaring an emergency

11. Ordinances

- A. [16-950](#) Consideration, discussion, and possible adoption of Ordinance No. 3439, an Ordinance amending Ordinance No. 3410, which temporarily established an alternative process for the review and issuance of building permits for buildings or structures designed for residential uses and proposed for location in downtown Broken Arrow, in an area more specifically described as the one-half square mile south of Kenosha Street, north of Houston Street, east of Elm Place and west of First Street, provided for an appeal process, effective and repeal dates, and severability; said amendment to extend the effective date of Ordinance No. 3410 to allow additional time for approval and implementation of the proposed downtown overlay district; 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 and possible action in open session regarding negotiations for and direction for possible resolution of a collective bargaining agreement for Fiscal Year 2017 with the International Association of Firefighters (IAFF) employee group under 25 O.S. §307(B)(2); Gary Snyder v. City of Broken Arrow, Workers' Compensation Court Case Number 2012-01434L, to include updating the City Council on the status of the appeal filed and taking appropriate action in open session, including authority to proceed as directed, under 25 O.S. §307(B)(4); and potential claim or action by Shawn M. Whistler and Gretchen B. Whistler against the City of Broken Arrow related to a June 17, 2013, Economic Development Agreement between the Broken Arrow Economic Development Authority, the City of Broken Arrow and Shawn and Gretchen Whistler, 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 potential and 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