



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, March 21, 2017

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. [17-1985](#) Approval of the Special Joint City Council and Broken Arrow Municipal Authority Meeting Minutes of February 28, 2017

Attachments: [02-28-17 Council-BAMA Special Joint Meeting](#)

- B. [17-1661](#) Approval of City Council Meeting Minutes of March 7, 2017

Attachments: [03-07-17 Council Minutes](#)

- C. [17-1979](#) Acceptance of Planning Commission meeting minutes of January 12, 2017, January 26, 2017, and February 23, 2017

Attachments: [JANUARY 12, 2017 PLANNING MINUTES.DJL..pdf](#)
[JANUARY 26, 2017 PLANNING MINUTES.DJL.pdf](#)
[FEBRUARY 23, 2017.PLANNING MINUTES.DJL.pdf](#)

- D. [17-1980](#) Approval of and authorization to execute Budget Amendment Number 3 for Fiscal Year 2016-2017

Attachments: [03-21-17 FY 2017 BA #3.xls](#)

- E. [17-1929](#) Approval of and authorization to execute a Proclamation declaring the week of March 27, 2017 as Arbor Week

Attachments: [Arbor Week 2017 Proclam](#)

- F. [17-1936](#) Approval of and authorization to execute Resolution No. 999, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 20, which consists of 0.70 acres of permanent right-of-way for 23rd Street, Houston to Kenosha, in the East Half of the Northeast Quarter of Section 12, Township

18 North, Range 14 East, at the Southwest Corner of 23rd Street and Houston Street, from East Kenosha Development LLC and authorize payment in the amount of \$35,000.00, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

Attachments: [170321 Resolution No. 999 Parcel 20](#)
[170314 UFS Administrative Settlement Parcel 20](#)
[170314 Parcel 20 General Warranty Deed and Corrected Sealed Legal Descriptio](#)

- G. [17-1935](#) Approval of and authorization to execute Resolution No. 1000, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 7, which consists of 0.02 acres of permanent right-of-way for 23rd Street, Houston to Kenosha, in the Southwest Quarter of Section 7, Township 18 North, Range 14 East, approximately 400 feet north of the intersection of 23rd Street and Houston Street, from GCM MG, LLC, and authorize payment in the amount of \$6,500.00, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

Attachments: [17021 Resolution No. 1000 Parcel 7](#)
[170125 Administrative Settlement Parcel 7 GCM MG](#)
[170316 General Warranty Deed w Exhibits Signed by Legal](#)

- H. [17-1955](#) Approval of and authorization to execute a Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2017 Rooster Days Festival

Attachments: [2017 Promotional License on City Property.pdf](#)
[Rooster Days Festival Map](#)
[Rooster Run Maps](#)
[Rooster Day Parade Route and Parade line up.pdf](#)

- I. [17-1928](#) Notification of City Manager's and Assistant City Manager's signing Professional Consultant Agreements with a value less than \$25,000

Attachments: [170228 EXECUTED Amendment No. 2 Rose West Dog Park](#)
[20170309 agreement fully executed](#)

- J. [17-1815](#) Approval of and authorization of a Letter of Agreement with Hillcrest Medical Center, under the Hillcrest Exercise and Lifestyle Programs, for the Broken Arrow Fire Department uniformed employee's biennial physical examinations

Attachments: [Hillcrest Physical Agreement Final](#)

- K. [17-1949](#) Approval of a Service Agreement Renewal with SeeClickFix to provide software services for the online citizen reporting tool and mobile application

Attachments: [signed contract_SeeClickFix_COBA 2016](#)

- L. [17-1971](#) Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Rugby

Football Club for the use of a specified area of the Events Park

Attachments: [Signed BARFC Use Agreement 2017](#)

- M. [17-1972](#) Approval of and authorization to execute a 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

Attachments: [Signed BAVC Use Agreement 2017-18](#)

- N. [17-1942](#) Approval of and authorization to execute a Use Agreement between the City of Broken Arrow and the Indian Brewing Company, LLC to use the City of Broken Arrow Rose District Overflow Parking Lot and land portion west of the western edge of the parking lot for parking, entry walk and future outdoor seating area, particularly located at 333 West Dallas Street (Section 11, T18N, R14E) (Indian Brewing Company Brewery)

Attachments: [City_of_BA_Lease.pdf](#)
[IBC-AS16.pdf](#)
[SitePlan.docx](#)

- O. [17-1966](#) Approval of and authorization to execute Downtown Residential Overlay Study Pay Request Number 2 to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown residential Overlay District Revitalization Study

Attachments: [Payment #2.pdf](#)
[Executed Agreement.pdf](#)

- P. [17-1967](#) Approval of and authorization to execute Downtown Residential Overlay Study Pay Request Number 3, for Phase Two, to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study

Attachments: [Payment #3.pdf](#)
[Executed Agreement.pdf](#)

- Q. [17-1963](#) Award the lowest responsible bid to MSB Construction, Inc., and approval and authorization to execute a construction contract for Westwind and Charleston II Storm Sewer Improvements Re-Bid (Project No. SW1707A)

Attachments: [170314 Bid Tab Certified Westwind and Charleston II Re-Bid](#)

- R. [17-1962](#) Approval of bids received and award the most advantageous bid to Premier Truck (their #2 bid) for the purchase of a dump truck base unit with listed options

Attachments: [17.137 dump truck bid tab](#)

- S. [17-1973](#) Award of the lowest responsible bid to Voy Construction, and authorization to execute a construction contract for Fire Station No. 2 Foundation and Precast Wall Repairs (Project No. 143518)

Attachments: [170314 Bid Tab Certified Fire Station 2 Soil Subsidence](#)

- T. [17-1925](#) Approval of and authorization to pay tenant relocation and moving costs for Parcel 17T, generally located at 2403 East Sydney Avenue, 23rd Street Improvements Between Houston and Kenosha Streets (Project No. ST0914)
- Attachments:** [170703 Claim Package RAP and Moving Costs Parcel 17](#)
- U. [17-1933](#) Notification of Change Orders and Work Orders with a value of less than \$25,000 on Public contracts
- Attachments:** [Change Order CO-02, Aspen & Kenosha Improvements](#)
[Change Order CO-01, LLWWTP Maintenance Bldg Addition](#)
[Work Order WO-026](#)
[Work Order WO-027](#)
- V. [17-1978](#) Approval of and authorization to execute Change Order Number 2 for Leisure Park I Mill and Overlay; Construction Contract ST1509A
- Attachments:** [Change Order 02 Leisure Park I Mill and Overlay ST1509A](#)
- W. [17-1968](#) Approval of and authorization to execute Change Order C05-Final for Construction Contract ST1307 with Magnum Construction; Dallas Street Improvements
- Attachments:** [ST1307 Dallas Street Change Order - Final](#)
- X. [17-1926](#) Approval and authorization of Final Acceptance for the public improvements at Evergreen Baptist Church located at 6000 West Florence Street
- Attachments:** [Infrastructure](#)
- Y. [17-1934](#) Approval and authorization of Final Acceptance for the public improvements at Oak Estates also known as Oak Grove Estates located south of Jasper and east of Garnett
- Attachments:** [Infrastructure Inventory](#)
- Z. [17-1922](#) Approval of BAZ 1973 (rezoning application), Village on Elgin, 0.50 acres, 1 Lot, R-3 (Single-Family Residential) to DM (Downtown Mixed-Use), northwest corner of First Street and Elgin Street
- Attachments:** [2-BAZ 1973.PUBLISHED FACT SHEET](#)
[3-CASE MAP.BAZ-1973](#)
[4- AERIAL.BAZ 1973](#)
[5- COMPREHENSIVE PLAN](#)
[6- ORIGINAL TOWN OF BA PLAT](#)
- AA. [17-1974](#) Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement conveyed to the City of Broken Arrow a tract of land that is part of Block Two (2), Mound View Addition to 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)

Attachments: [22 22.1 22.2 GWD UE TCE Bryce.pdf](#)
[170219 Parcel 22 Bryce Acceptance GWD UE TCE](#)

BB. [17-1961](#) Acceptance of a Utility Easement on property located north of the Broken Arrow Expressway, a quarter mile west of 9th Street, Lot 4, Block 2, Hillside Crossings, Tulsa County, State of Oklahoma, (Section 2, T18N, R14E)

Attachments: [2-UE Dedication](#)
[3-Exhibit A](#)
[4-CASE MAP.BAL-1086](#)
[5-HILLSIDE CROSSINGS RECORDED PLAT](#)

CC. [17-1975](#) Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow two tracts of land contained in the SE/4 of Section 31, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma for the 37th Street: Omaha to Albany Roadway (Project No. ST1112)

Attachments: [Temporary Construction Easements.pdf](#)

DD. [17-1951](#) Acceptance of a Deed of Dedication from Raul Gonzalez and Maria Tolentino, on property located one-quarter mile east of 37th Street, north of Omaha Street, Lot 7, Block 6, Sun City I, Tulsa County, State of Oklahoma, (Section 29, T19N, R15E)

Attachments: [2-Ded ROW- Blk 6 Lot 7](#)
[3-Exhibit A.pdf](#)
[4-CASE MAP.BAL-2005](#)

EE. [17-1950](#) Acceptance of a Deed of Dedication from Raul Gonzalez and Maria Tolentino, on property located one-quarter mile east of 37th Street, north of Omaha Street, Lot 8, Block 6, Sun City I, Tulsa County, State of Oklahoma, (Section 29, T19N, R15E)

Attachments: [2-Ded ROW B6L8](#)
[3-Exhibit A.pdf](#)
[4-CASE MAP.BAL-2005](#)

FF. [17-1952](#) Acceptance of a Utility Easement from Raul Gonzalez and Maria Tolentino, on property located one-quarter mile east of 37th Street, north of Omaha Street, Lot 7, Block 6, Sun City I, Tulsa County, State of Oklahoma, (Section 29, T19N, R15E)

Attachments: [2-UE-Gonzalez](#)
[Exhibit A.pdf](#)
[4-CASE MAP.BAL-2005](#)

GG. [17-1953](#) Acceptance of a Utility Easement from Raul Gonzalez and Maria Tolentino, on property located one-quarter mile east of 37th Street, north of Omaha Street, Lot 8, Block 6, Sun City I, Tulsa County, State of Oklahoma, (Section 29, T19N, R15E)

- Attachments:** [2-UE Ded-Gonzalez](#)
[3-Exhibit A.pdf](#)
[4-CASE MAP.BAL-2005](#)

- HH. [17-1940](#) Acceptance of a Utility Easement from City of Broken Arrow on City owned property associated with the Stoney Creek Hotel and Conference Center, related to providing main electric service to facility prior to final plat, located a quarter mile east of Elm Place and north of Albany Street (Section 2, T18N, R14E)

- Attachments:** [Utility Easement.doc](#)
[PSO Exhibits.pdf](#)

- II. [16-1546](#) Approval of the Broken Arrow City Council Claims List for March 21, 2017

- Attachments:** [03-21-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A. [17-1981](#) Presentation by Police Chief David Boggs on department updates and related discussion

- B. [17-1930](#) Presentation by Scott Esmond, Director of Parks and Recreation Department on current and upcoming projects and activities and related discussion about the Parks and Recreation Department

- Attachments:** [Projects Status Report](#)

- C. [17-1969](#) Presentation regarding the Road Closure for Main Street between Elgin and College Streets in association with Streetscapes Phase IV Public Improvements Project

- Attachments:** [Main Street Closure Request - Dallas to Ft. Worth](#)

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. [17-1860](#) Consideration, discussion, and possible approval of an Application to the Tulsa County Vision Authority for Vision 2025 Surplus Funds related to Albany Street Road Improvements near the Stoney Creek Hotel and Conference Center

- Attachments:** [Vision Prop # 2 Albany Street Intersection and Sidewalk Improvements 3-14-17](#)

- B. [17-1921](#) Consideration, discussion, and possible approval of BAZ 1972 (rezoning application), Fire Station No. 7, 2.5 acres, 1 Lot, A-R-1 (Annexed Single Family Residential) to RS-2 (Single-Family Residential), southeast corner of Washington Street and First Place

Attachments: [2-BAZ 1972. PUBLISHED FACT SHEET](#)

[3-CASE MAP.BAZ-1972](#)

[4-AERIAL.BAZ 1972](#)

[5-COMP PLAN.BAZ 1972](#)

- C. [17-1958](#) Consideration, discussion, and possible approval of Resolution No. 1001, a Resolution authorizing the City Attorney to enter into a proposed Journal Entry of Judgment in regard to the matter of Levya v. Rich, et al. , Case No. CV-2017-4, in the District Court for Wagoner County, State of Oklahoma and directing the City Attorney to prepare and file any and all necessary documents to settle the Journal Entry of Judgment for the court’s approval

Attachments: [03-13-2017 Resolution No. 1001.docx](#)

- D. [17-1957](#) Consideration, discussion, and possible approval of Resolution No. 1002, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and Journal Entry of Judgment in regards to the matter of Elton Fernandes v. City of Broken Arrow et al. Case No. 16-CV-630-CVE-FHM in the United States District Court for the Northern District of Oklahoma and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the courts approval pursuant to 51 O.S. §158

Attachments: [03-14-2017 Resolution No. 1002.docx](#)

- E. [17-1970](#) Consideration, discussion, and possible approval of Resolution No. 1003, 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 B.A. Vesper, L.L.C. (“Developer”); and other provisions relating thereto

Attachments: [Resolution No. 1003 B.A. Vesper LLC agreement](#)
[Economic Development Agreement - BA and Vesper LLC](#)

- F. [17-1976](#) Consideration, discussion, and possible approval of Resolution No. 1004, a Resolution authorizing payment of attorney’s fees and costs in the matter of City of Broken Arrow v. Bonnie E. Blalack Living Trust, Case No. CV-2013-00320

Attachments: [03-21-2017 RES NO. 1004 BLALACK.docx](#)

- G. [17-1984](#) Consideration, discussion, and possible approval of Resolution No. 1005, a Resolution of the Broken Arrow City Council approving, authorizing and accepting a Contract for Sale of Real Estate for real property located at 825 East Dallas Street, Broken Arrow, Oklahoma 74012 more particularly described as Lots one (1) and two (2), Block (1), East Haskell Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof; and authorizing the City of Broken Arrow’s expenditure of the sum of \$175,000.00 to effect such purchase, as well as reasonable and necessary costs; 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 (9th Street Widening Project-Elgin to El Paso)

Attachments: [3-21-17-Resolution 1005-Kitchen.docx](#)

10. Preview Ordinances

- A. [17-1959](#) Consideration, discussion, and possible preview of an ordinance closing a mutual access and utility easement on property located in the Southeast Quarter (SE/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East, Lot 4, Block 2, Hillside Crossings, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the Broken Arrow Expressway, a quarter mile west of 9th Street; repealing all ordinances to the contrary; and declaring an emergency (Hillside Crossings)

Attachments: [2-Preview.ordinance.Hobby Lobby Lot 4 Tract A.doc](#)
[3-UTILITY CLOSURE EXHIBIT](#)
[4-HILLSIDE CROSSINGS RECORDED PLAT](#)

- B. [17-1960](#) Consideration, discussion, and possible preview of an ordinance closing a mutual access and utility easement on property located in the Southeast Quarter (SE/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East, Lot 5, Block 2, Hillside Crossings, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the Broken Arrow Expressway, a quarter mile west of 9th Street; repealing all ordinances to the contrary; and declaring an emergency (Hillside Crossings)

Attachments: [2-Preview.ordinance.Hobby Lobby Lot 5 Tract B.doc](#)
[3-UTILITY CLOSURE EXHIBIT B](#)
[4-HILLSIDE CROSSINGS RECORDED PLAT - Copy](#)

- C. [17-1954](#) Consideration, discussion, and possible preview of an ordinance closing a utility easement on property located in the Southwest Quarter (SW/4) of Section Six (6), Township Eighteen (18) North, Range Fifteen (15) East, Tiger Plaza, a subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma, generally located north and east of the northeast corner of Kenosha Street and 23rd Street; repealing all ordinances to the contrary; and declaring an emergency (Tiger Plaza)

Attachments: [Preview.ordinance.Tiger Plaza-Playtime Plus.doc](#)
[Application.pdf](#)
[3-Exhibit A with Legal](#)
[4-Tiger Plaza plat](#)

- D. [17-1989](#) Consideration, discussion, and possible preview of an ordinance amending Chapter 5, Development Standards, Section 5.9, Telecommunication Towers, of the Broken Arrow Zoning Code, to update this Ordinance in

accordance with current law, clarify the process for approval, and to include provisions for small cell facilities; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [3-21-17 5.9 zoning code Ordinance No. Telecommunications Towers.docx](#)

11. Ordinances

- A. [17-1948](#) Consideration, discussion, and possible adoption of Ordinance No. 3460-Corrected, an ordinance correcting a zoning designation on the property located on 27.97 acres of land located in Section 1, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, repealing all ordinances to the contrary, changing the zoning designation from AG to A-1 Agricultural District Zoning classification, and declaring an emergency

Attachments: [3-10-17 Ord 3460-corrected for adoption Annexing property 27.97 acres located](#)

- B. [17-1944](#) Consideration, discussion, and possible adoption of Ordinance No. 3476, an ordinance closing a Detention Easement on property located east of 9th Street and a quarter mile north of Tucson Street, Tulsa County, State of Oklahoma, (Section 36, T18N, R14E), repealing all ordinances to the contrary; and declaring an emergency

Attachments: [Ordinance 3476.Cacy Mini StorageDet Closure.doc](#)
[2-Detention Easement Closure Exhibit.pdf](#)
[Recorded Plat.pdf](#)

- C. [17-1945](#) Consideration, discussion, and possible adoption of Ordinance No. 3477, an ordinance closing a Utility Easement on property located east of 9th Street and a quarter mile north of Tucson Street, Tulsa County, State of Oklahoma, (Section 36, T18N, R14E), repealing all ordinances to the contrary; and declaring an emergency

Attachments: [Ordinance No 3477.doc](#)
[2-Waterline Easement Closure Exhibit.pdf](#)
[Recorded Plat.pdf](#)

- D. [17-1956](#) Consideration, discussion, and possible adoption of Ordinance No. 3478, an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article I, In General, Section 23-2. - Authority of City Manager to promulgate traffic regulations, specifically amending to grant the City Manager the authority to appoint a designee; amending Article II, Operation of vehicles generally, Section 23-79. - Driving on sidewalks; specifically allowing police motorcycles to operate on sidewalks; amending Article III, Traffic-Control Devices, Section 23-106. - Installation and maintenance generally, specifically amending to grant the City Manager the authority to appoint a designee; amending Section 23-107. - Conformity with state manual and specifications; uniformity; presumption of legality, specifically amending to include reference to the Broken Arrow Code of Ordinances; amending Section 23-118. - Adoption of the manual of uniform traffic control devices;

specifically amending to remove the requirement of filing three copies of the uniform traffic control manual with the City Clerk; repealing all ordinances to the contrary; and declaring an emergency

Attachments: [3-21-2017 Ordinance No. 3478 Chapter 23 Traffic control devices, motorcycles o](#)

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:

1. Litigation involving Elton Fernandes, United States District Court for the Northern District of Oklahoma, Case No. 16 CV 630 CVE FHM under 25 O.S. §307(B)(4);

2. Litigation involving City of Broken Arrow v. Bonnie E. Blalack Living Trust, Case No. CV 2013 00320 under 25 O.S. §307(B)(4);

3. Economic development and specifically discussing an economic development proposal involving real property located between East Detroit Street and East Elgin Street and North Main Street and North First Street, in Broken Arrow, Oklahoma to include the transfer of property, financing, appraisal and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development proposal, under 25 O.S. §307(C)(10);

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