



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 15, 2017

6:30 PM

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

AMENDED AGENDA

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [17-2514](#) Approval of AMENDED City Council Meeting Minutes of July 18, 2017

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

- B. [17-1691](#) Approval of City Council Meeting Minutes of August 1, 2017

Attachments: [08-01-2017 City Council Minutes](#)

- C. [17-2486](#) Acceptance of Planning Commission meeting minutes of May 11, 2017

Attachments: [MAY 11, 2017.pdf](#)

- D. [17-2487](#) Acceptance of Planning Commission meeting minutes of May 25, 2017

Attachments: [MAY 25, 2017.pdf](#)

- E. [17-2488](#) Acceptance of Planning Commission meeting minutes of June 8, 2017

Attachments: [JUNE 8, 2017 MINUTES.pdf](#)

- F. [17-2534](#) Approval of Downtown Residential Overlay Study Pay Request Number 7 in the amount of \$7,557.34, for Phase Three and Additional Services, 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 \$7,557.34 using Sales Tax Capital Improvement Program Funds

Attachments: [Invoice 14219, request #7.pdf](#)
[Executed Agreement.pdf](#)

- G. [17-2521](#) Approval of authorization to execute Resolution No. 1047, a Resolution authorizing the acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement for Parcel 7, which consists of 0.010 acres of permanent right-of-way, 0.018 acres of permanent utility easement, and 0.018 acres of temporary construction easement for 9th Street Widening, Elgin to El Paso, being part of Lot 2, Block 2 of the Lemon Addition, Section 12, Township 18 North, Range 14 East, Tulsa County, from Carol J. Bell and James M. Bell, wife and husband, and authorization of payment in the amount of \$17,900.00 to Carol J. Bell and James M. Bell for 9th Street Widening from Elgin to El Paso Project (Project No. ST1210)

Attachments: [170731 General Warranty Deed Signed by Bell.pdf](#)
[170731 Utility Easement Signed by Bell.pdf](#)
[170731 Temporary Construction Easement Signed by Bell.pdf](#)
[170815 Resolution 1047 Parcel 7 Bell GWD, UE, TCE.docx](#)

- H. [17-2545](#) Approval of and authorization to execute Amendment No. 2 to the Agreement for Professional Consulting Services between The City of Broken Arrow and Garver, LLC for the Washington Street Improvements, Garnett Road to Olive Avenue (Project No. ST1616)

Attachments: [170810 EXECUTED Garver Amendment No. 2.pdf](#)

- I. [17-2463](#) Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Doerner, Saunders, Daniel & Anderson, LLP for providing counsel and legal advice regarding employment and labor issues

Attachments: [Doener, Saunders- Employment and labor](#)

- J. [17-2464](#) Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Kivell, Rayment & Francis, P.C., for providing counsel and legal advice regarding title opinions and property law

Attachments: [Kivell Rayment- title work and property law](#)

- K. [17-2450](#) 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 providing counsel and legal advice regarding employment and labor issues and sovereignty law

Attachments: [McAfee & Taft - Professional Services Agreement -employment and labor-soverei](#)

- L. [17-2520](#) Approval of and authorization to renew an Enterprise Enrollment Agreement with Microsoft Corporation for Microsoft software, products, and licenses

Attachments: [Additions.pdf](#)
[Renewal.pdf](#)

- M. [17-2516](#) Approval of and authorization to execute First Amendment to Site Lease Agreement and Memorandum of First Amendment to Site Lease Agreement with New Cingular Wireless, PCS, LLC
- Attachments:** [Site Lease.pdf](#)
[Memorandum.pdf](#)
- N. [17-2472](#) Approval of and authorization to execute Amendment No. 1 to a Professional Consultant Agreement with Olsson Associates for Design of an Industrial Collector Street (East Nashville Street) and Water Line Extension (Project No. ED1701)
- Attachments:** [Scanned Copy of Amendment No. 1, Signed.pdf](#)
- O. [17-2544](#) Approval of and authorization to execute a Professional Consultant Agreement with R.L. Shears Company, P.C., for Detailed Design and Construction Bid Documents of Downtown Main Street Streetscapes, Phase V
- Attachments:** [170810 Agreement RL Shears-Streetscapes V-Signed by Legal.pdf](#)
- P. [17-2549](#) Approval of and authorization to execute Oklahoma Department of Transportation (ODOT) Supplemental Engineering Contract #3 - Financing Agreement for Engineering Services Involving 23rd Street Improvements (Kenosha to Houston) STP-172A (457)IG, J/P 26308(05) (Project No. ST0914)
- Attachments:** [170809 Supplemental Engineering Contract #3.pdf](#)
[161110 AE Dwg Sidney St Exp.pdf](#)
- Q. [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](#)
- R. [17-2317](#) Approval of and authorization to execute a Use Agreement with the Broken Arrow Genealogical Society for Fiscal Year 2017-2018
- Attachments:** [Genealogical Society Use Agreement](#)
- S. [17-2501](#) Waiver of formal competitive bidding, and approval of and authorization to purchase 28 Taser Conducted Electrical Weapons (CEW's), model X2, with accessories from Axon, formally Taser International, a sole source vendor
- Attachments:** [FY18 Axon Taser Purchase](#)
- T. [17-2537](#) Approval of and authorization to purchase one (1) three-quarter ton crew cab pickup truck from Bob Howard Dodge as bid, pursuant to the Oklahoma statewide vehicle contract, for the Parks Department
- Attachments:** [9355 state contr crew cab pu parks](#)

- U. [17-2498](#) Approval of and authorization to purchase 14 Police SUV Ford Explorer Interceptors from Bob Moore Ford as bid, pursuant to State Contract 1000009398
- Attachments:** [FY18 Bob Moore Pursuit Vehicles](#)
- V. [17-2495](#) Approval of and authorization to purchase two (2) half-ton pickup trucks from John Vance Motors as bid, pursuant to the Oklahoma statewide vehicle contract, for the Development Services Department
- Attachments:** [9420 state contr pu ext cab dev serv](#)
[9422 state contr pu dev serv](#)
- W. [17-2536](#) Approval of and authorization to execute Change Order C01 for 37th Street: Omaha to Albany and Rural Water District #4 Waterline (Project No. ST1507)
- Attachments:** [COR#001 - with Cost Breakdown](#)
- X. [17-2524](#) Approval of and authorization to execute Change Order C02 for Downtown Main Street Streetscapes Phase IV
- Attachments:** [Change Order and Back Up Documents](#)
- Y. [17-2506](#) Approval of PUD-94S-1 (Planned Unit Development) and BAZ-1983 (Rezoning), expansion of Jim Norton Chevrolet, 4.55 acres, CG/PUD 94 to CH/PUD 94S-1 and abrogation of PUD 94-O, one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue
- Attachments:** [1-PUD94S-1.PLANNING COMMISSION PUBLISHED FACT SHEET.pdf](#)
[2-CASE MAP.BAZ-1983 AND PUD-94S.pdf](#)
[3-AERIAL.PUD 94S-1 & BAZ 1983.pdf](#)
[4-COMP PLAN.PUD 94S-1 & BAZ 1983.pdf](#)
[5-PUD 94S-1 DESIGN STATEMENT.07-07-2017.pdf](#)
- Z. [17-2507](#) Approval of SP-282 (Specific Use Permit), Kirkland Activity Complex, 24.10 acres, R-3, west of 9th Street and one-half mile south of Kenosha Street
- Attachments:** [1-PLANNING COMMISSION PUBLISHED FACT SHEET](#)
[2-CASE MAP.SP-282](#)
[3-AERIAL](#)
[4-Approved Site Plan](#)
[5-RECORDED RESOLUTION 1013](#)
[6- RECORDED DEED FOR PARCEL 24.RIGHT-OF-WAY](#)
[7- RECORDED UTILITY EASEMENT DOCUMENT](#)
- AA. [17-2505](#) Approval of SP-283 (Specific Use Permit), Beehive Homes of Broken Arrow, 2.60 acres, R-2, north of West Washington Street, one-third mile east of South Olive Avenue

Attachments: [1-PUBLISHED PC FACT SHEET](#)
[2-CASE MAP](#)
[3-AERIAL](#)
[4-COPPER CREEK PARK PLAT](#)
[5-GILGAL ADDITION PLAT](#)
[6-SURVEY](#)
[7-SITE PLAN](#)
[8-DIMENSION FLOOR PLAN](#)
[9-ELEVATIONS](#)

- BB.** [17-2529](#) Acceptance of a Drainage Easement from Tucson Commercial, LLC on a portion of unplatted property south of Tucson Street and west of 23rd Street adjacent to Tucson Village subdivision, shown as Exhibit D, located at the southwest corner of Tucson Street and 23rd Street (Section 01, T17N, R14E)

Attachments: [Application.pdf](#)
[Ded UE.pdf](#)
[Exhibit D.pdf](#)
[Tucson Vlg-Overall Easement Exhibit.pdf](#)

- CC.** [17-2530](#) Acceptance of a Utility Easement from Tucson Commercial, LLC on a portion of unplatted property south of Tucson Street and west of 23rd Street adjacent to Tucson Village subdivision, shown as Exhibit F, located at the southwest corner of Tucson Street and 23rd Street (Section 01, T17N, R14E)

Attachments: [Application.pdf](#)
[F Dedication.pdf](#)
[F Legal.pdf](#)
[Tucson Vlg-Overall Easement Exhibit.pdf](#)

- DD.** [17-2528](#) Acceptance of a Utility Easement from Tucson Village, LLC on a portion of unplatted property south of Tucson Street and west of 23rd Street adjacent to Tucson Village subdivision, shown as Exhibit B, located at the southwest corner of Tucson Street and 23rd Street (Section 01, T17N, R14E)

Attachments: [Application.pdf](#)
[B Dedication.pdf](#)
[Exhibit B.pdf](#)
[Tucson Vlg-Overall Easement Exhibit.pdf](#)

- EE.** [17-2532](#) Acceptance of a Utility Easement from Tucson Village, LLC on a portion of unplatted property south of Tucson Street and west of 23rd Street adjacent to Tucson Village subdivision, shown as Exhibit G, located at the southwest corner of Tucson Street and 23rd Street (Section 01, T17N, R14E)

Attachments: [Application.pdf](#)
 [G Dedication.pdf](#)
 [G Legal.pdf](#)
 [Tucson Vlg-Overall Easement Exhibit.pdf](#)

FF. [16-1577](#) Approval of the Broken Arrow City Council Claims List for August 15, 2017

Attachments: [08-15-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

A. [17-2558](#) Presentation of the tourism and marketing video promoting Broken Arrow

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. [17-2542](#) Consideration, discussion, and possible recommendation to the Broken Arrow Economic Development Corporation to issue a Request for Proposal for an Economic Development Feasibility Study for the New Orleans and Elm Place corridor

B. [17-2561](#) Consideration, discussion, and possible approval of and authorization to execute a Consent Order on Case Number 17-161 from the Oklahoma Department of Environmental Quality (ODEQ), Water Quality Division

Attachments: [DEQ Consent Order 17-161](#)

C. [17-2547](#) Consideration, discussion, and possible approval of an application to the Tulsa County Vision Authority for Vision 2025 Surplus Funds to construct one block of streetscapes on Main Street from Detroit Street north to Elgin Street

Attachments: [Vision 2025 Application for Rose District Improvements 8-20-15](#)

D. [17-2546](#) Consideration, discussion, and possible approval of an Amended Application # 2 to the Tulsa County Vision Authority for Vision 2025 Surplus Funds

Attachments: [Prop # 4 Streetscapes IV Amended Application # 2 8-15-17](#)

E. [17-2444](#) Consideration, discussion, and possible approval of the Memorial Park Conceptual Plan

Attachments: [MemorialParkLocation](#)
 [Photo Board](#)

F. [17-2526](#) Consideration, discussion, and possible approval of and authorization to execute an Engagement Letter with Crawford & Associates, P.C. to conduct a "Best Practices" review of the City of Broken Arrow's Finance Department

Attachments: [Crawford Best Practices Engagement Letter](#)

- G. [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](#)
[2017 Master Lease Agreement Broken Arrow 20170809 \(Final\)](#)
- H. [17-2531](#) Consideration, discussion, and possible award of the lowest responsible bid to Cherokee Pride Construction, and approve and authorize execution of a construction contract for Rose West Dog Park and Restroom (Project No. 126038)
- Attachments:** [Certified Bid Tab.pdf](#)
- I. [17-2535](#) Consideration, discussion, and possible approval of Resolution No. 1037, a Resolution approving the Fiscal Year 2018 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 October 1, 2017
- Attachments:** [8-1-2017 Res. Fiscal Year 2018 Manual of Fees](#)
[MANUAL OF FEES - Final approval 08-15-17](#)
- J. [17-2543](#) Consideration, discussion, and possible approval of Resolution No. 1048, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the Matter of the Application of Aspen Corner, LLC, for a Decree Vacating a portion of the plat of Southtowne Estates, an addition to the City of Broken Arrow, State of Oklahoma, Tulsa County District Court Case No. CV-2017-00864, authorizing the vacation of recorded plat number 5599, Lot 1, Block 8, in Southtowne Estates, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma
- Attachments:** [RESOLUTION NO 1048](#)
- K. [17-2559](#) Consideration, discussion, and possible approval of Resolution No. 1049, a Resolution Authorizing the City Attorney to Deposit \$9,000.00 with the Wagoner County Court Clerk in the Matter of H&G Paving Contractors, Inc., vs Ballard TP Construction, LLC., in District Court in and for Wagoner County, State of Oklahoma Case No. CS-2017-465
- Attachments:** [RESOLUTION NO 1049](#)
- L. [17-2541](#) Consideration, discussion, and possible appointment of a member of City Council to the Broken Arrow Downtown Advisory Board
- M. [17-2560](#) Consideration, discussion, and possible approval of request by representatives of Keep Broken Arrow Beautiful to identify Broken Arrow as the “City Where Roses Bloom”

10. Preview Ordinances - - NONE

11. Ordinances

- A. [17-2513](#) Consideration, discussion, and possible adoption of Ordinance No. 3497, 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: [2-Ordinance No. 3497](#)
[3- EASEMENT CLOSURE EXHIBIT A](#)
[4- Amended Plat Arrow Park Addition](#)

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 the City of Broken Arrow vs. Carl Chasteen and Naomi Chasteen, Case No. CJ-2017-2040, in the District Court of Tulsa 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); and**
- 2. litigation, including potential resolution, of a matter involving the Frank Charon vs. City of Broken Arrow, Case No. CJ-2016-834, in the District Court of Tulsa 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); and**
- 3. litigation, including potential resolution, of a matter involving the City of Broken Arrow vs. Contech, Inc, Heartstone of Oklahoma, LLC, Employers Mutual Casualty Company and Bituminous Insurance Co. a/k/a BITCO Insurance Companies, Case No. CJ-2017-295, in the District Court of Tulsa 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); and**
- 4. potential litigation, including potential resolution, of a matter involving a tort claim filed by Rusty Teague, No. TRT 463.2017, involving a sewer back up at 2324 West Boston Street, Broken Arrow, Tulsa County, Oklahoma and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. § 307(B)(4); and**
- 5. potential litigation, threat of litigation and claims, involving purchase and termination of a purchase order for Self-Contained Breathing Apparatus and pertinent accessories/equipment regarding Casco Industries, Inc. and MSA Fire, and taking appropriate action in open session, under 25 O.S. §307(B)(4); and**
- 6. Bruce R. Wallace v. City of Broken Arrow, Workers' Compensation Court Case Number CM2016-08160F, to include offers of settlement and taking appropriate action in open session, including authority to settle this matter, 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 claims, litigation and possible 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