

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					
220 S. 1st Stre				Council Chambers 220 S. 1st Street Broken Arrow, OK	
1. C	all to Order				
2. In	vocation				
3. R	oll Call				
4. Pl	ledge of Allegiance	to the Flag			
5. C	onsideration of Co	nsent Agenda			
A.	<u>17-1694</u>	Approval of City Council Meetin	g Minutes of August 15, 201	17	
	<u>Attachments:</u>	08-15-2017 City Council Minute	<u>s</u>		
B.	<u>17-2634</u>	Approval of and authorization to Resolution confirming the supple Broken Arrow's Code of Ordinar	mentation and publication o		
	Attachments:	8-25-17 RES No. 966-CORREC	FED- Supplementation of C	ity of BA Code of C	
C.	<u>17-2603</u>	Approval of and authorization to Resolution authorizing the accept Parcel 2, which consists of 0.43 a Street, Houston to Kenosha, in th Township 18 North, Range 14 Ea intersection of 23rd Street and Ho Mary Hieronymus Couch, Husba amount of \$25,000.00, and author 80 percent of the revised negotiat from Houston to Kenosha Project	ance of a General Warranty cres of permanent Right-of- e Southeast Quarter of Secti st, approximately 794 feet n ouston Street from Don C. C nd and Wife, authorizing pa rizing Staff to apply for rein ed amount for the 23rd Street	Deed for Way for 23rd on 12, orth of the ouch and yment in the nbursement of	
	<u>Attachments:</u>	170905 Resolution No. 1051 Par 170821 Admin Settlement Parcel 170821 General Warranty Deed	<u>cel 2.docx</u> <u>2 Couch.pdf</u>	<u>odf</u>	

D.	<u>17-2635</u>	Approval of and authorization to execute Resolution No. 1052, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
	Attachments:	8-25-17 RES No. 1052- Supplementation of City of BA Code of Ordinance.docx
E.	<u>17-2636</u>	Approval of and authorization to execute Resolution No. 1053, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
	Attachments:	8-25-17 RES No. 1053- Supplementation of City of BA Code of Ordinance.docx
F.	<u>17-2637</u>	Approval of and authorization to execute Resolution No. 1054, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
	Attachments:	8-25-17 RES No. 1054- Supplementation of City of BA Code of Ordinance.docx
G.	<u>17-2631</u>	Approval of and authorization to ratify benefit renewal from Unum to provide long-term disability insurance to City employees
	<u>Attachments:</u>	Unum Benefit Renewal
H.	<u>17-2630</u>	Approval of and authorization to execute the First Amendment to Clinic Management Services Agreement with IMWell Health, L.L.C. to provide biometric screening services
	<u>Attachments:</u>	First Amendment to Clinic Management Services Agreement IMWell Agreement
I.	<u>17-2599</u>	Notification of City Manager's, Assistant City Manager's, and Department Director's execution of Professional Consultant Agreements with a value less than \$25,000
	Attachments:	170815 Consultant Agreement Executed Memorial Park Gazebo.pdf
		170821 Asbestos Survey Contract Earth Tech Signed.pdf
		170822 EXECUTED Agreement with FKI.pdf
J.	<u>17-2608</u>	Approval of and authorization to execute Amendment No. 2 to Professional Consultant Agreement with Garver, LLC, for Design of Kenosha Street Widening from Date Avenue to Main Street (Project No. ST1409)
	Attachments:	Contract Amendment no. 2 signed by Garver and Legal
K.	<u>17-2522</u>	Approval of and authorization to execute Amendment No. 3 to Professional Consultant Agreement with Garver, LLC, for Design of Washington Street Improvements from Garnett Road to Olive Avenue and Extended to Aspen Avenue (Project No. ST1616)
	<u>Attachments:</u>	170828 Amendment No. 3 Signed by Legal.pdf
L.	<u>17-2609</u>	Approval of and authorization to execute Amendment No. 2 to Professional Consultant Agreement with Holloway, Updike, and Bellen, Inc. for Revising

the Design of Albany Street Improvements from 9th Street to 23rd Street (Project No. SW1709)

Attachments: Amendment no. 2 signed by HUB and Legal.pdf

M. <u>17-2626</u> Approval of and authorization to execute Amendment No. 1 to Professional Consultant Agreement with Utley & Associates L.L.C., for providing additional topographic survey for design of the Eagle Creek Drainage Improvements (Project No. SW1604)

Attachments: 170830 AE Amend 1 Signed by AE and Legal Eagle Creek Drainage Impr.pdf

N. <u>17-2650</u> Approval of and authorization to execute a First Amendment to Economic Development Agreement by and among the Broken Arrow Economic Development Authority, the City of Broken Arrow, Oklahoma, and Milestone Capital, L.L.C.

Attachments: First Amendment Milestone EDA

- O. <u>17-2601</u> Approval of and authorization to execute a Promotional License on City Property allowing the City of Broken Arrow and ArtsOK of Broken Arrow to host the 2017 Chalk It Up event
 - <u>Attachments:</u> <u>20170821_173127.pdf</u> <u>map.jpg</u>
- P. <u>17-2538</u> Approval of and authorization to execute a Promotional License on City Property allowing Cox Communications to host the 2017 Cox Community Concert Event at the City's Chisholm Trail Park (Events Park)
 - Attachments:
 Contract.pdf

 Appendix A.pdf

29902128 cox community concert zone map.pdf

Q.17-2600Approval of and authorization to execute a Promotional License on City
Property allowing Gatesway Balloon Festival, L.L.C. to host the 2017
Gatesway Balloon Festival at the City's Chisholm Trail Park (Events Park)

Attachments:2017 Agreement.pdfAppendix A.pdfSite plan.pdf

R. <u>17-2596</u> Approval of and authorization to execute a Promotional License between Ice Challenge Enterprises, L.L.C. and the City of Broken Arrow for the installation and operation of an outdoor holiday ice rink at the Rose District Pavilion

Attachments: 20170821_160815.pdf

S. <u>17-2574</u> Approval of and authorization to purchase two (2) three-quarter ton pickup trucks from Bill Knight Ford pursuant to the Oklahoma statewide vehicle contract for the Streets and Stormwater Department

	Attachments:	9355 state contract 3-4 ton crew cab with std bed Street
		9355 state contract 3-4 ton crew cab with long bed Street
Т.	<u>17-2613</u>	Approval of and authorization to purchase one (1) one-ton crew cab, cab and chassis from Vance Country Ford, pursuant to the Oklahoma statewide vehicle contract, for the Streets Division
	Attachments:	9326 1-T crew cab shassis st contr street
U.	<u>17-2624</u>	Approval of and authorization to purchase structural firefighting protective ensembles from Northern Safety, specifically 21 coats and 28 pants for the Fire Department as previously bid
	Attachments:	BAFD Bunker Gear - Quote
		Bunker Gear Bid Tab
V.	<u>17-2614</u>	Approval of bids received and award of the most advantageous bid to Premier Truck Group for the purchase of one dump truck for the Streets Division
	Attachments:	18.103 Dump Truck street bid tab signed
W.	<u>17-2571</u>	Approval of bids received and award of the most advantageous bid to Professional Turf for the purchase one (1) 16-foot rotary mower for the Parks and Recreation Department
	Attachments:	18.100 16 ft rotary mower Parks
X.	<u>17-2606</u>	Award the lowest responsible bid to Ellsworth Construction, LLC, and approve and authorize execution of a construction contract for Rose District Mill and Overlay (Project No. ST1819)
	Attachments:	ST1819 Bid Tab Certified.pdf
Y.	<u>17-2598</u>	Award the lowest responsible bid to Hoey Construction Company, and approve and authorize execution of a construction contract for Indian Springs Sports Complex Baseball and Soccer Improvements (Project No. 166028)
	<u>Attachments:</u>	170817 Certified Bid Tab.pdf
Z.	<u>17-2597</u>	Approval of and authorization of Final Acceptance for the public improvements at CSD Enterprises located at 3054, 3056, 3058 North Aspen Avenue
	<u>Attachments:</u>	Infrastructure Inventory
AA.	<u>17-2632</u>	Acceptance of a Utility Easement from BD Creekside Apartment Homes Phase I, LLC, (Tract 1) Lot 1, Block 1, Creekside Apartment Homes, on property located a quarter mile south of Omaha Street and west of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 33, T19N, R14E) (Creekside Apartments Phase II)

<u>Attachments:</u>	Tract 1 Lot 1 Ded UE.pdf
	Tract 1 Lot 1 LEGAL.pdf
	Tract 1 Lot 1 EXHIBIT.pdf
	Line Table Tract 1.pdf
	<u>Overall Map.pdf</u>

- BB. <u>17-2633</u> Acceptance of a Utility Easement from BD Creekside Apartment Homes Phase II, LLC, (Tract 2) Lot 1, Block 1, Creekside Apartment Homes, on property located a quarter mile south of Omaha Street and west of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 33, T19N, R14E) (Creekside Apartments Phase II)
 - Attachments:Tract 2 Lot 1 Ded UE.pdfTract 2 Lot 1 LEGAL.pdfTract 2 Lot 1 EXHIBIT.pdfLine Table Tract 2.pdfOverall Map.pdf
- CC. <u>17-2639</u> Acceptance of a Utility Easement from BD Creekside Apartment Homes Phase II, LLC, Lot 2, Block 1, Creekside Apartment Homes, on property located a quarter mile south of Omaha Street and west of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 33, T19N, R14E) (Creekside Apartments Phase II)
 - Attachments:LOT 2 UE Ded.pdfLOT 2 LEGAL.pdfLot 2 EXHIBIT.pdfLine Table Lot 2.pdfOverall Map.pdf
- **DD.**<u>16-1580</u>Approval of the Broken Arrow City Council Claims List for September 05,
2017

Attachments: 09-05-17 CL

6. Consideration of Items Removed from Consent Agenda

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

A. <u>17-2627</u> Conduct a public hearing regarding the Police Department's application for the Edward Byrne Memorial Justice Assistance Grant (JAG), and authorization to submit the grant application
 B. <u>17-2653</u> Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring the month of September 2017 as National Senior Center Month in the City of Broken Arrow in recognition of the Broken Arrow Senior Center's contributions to the community

Attachments: PROCLAMATION Senior Center Month

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

Α.	<u>17-2656</u>	Update and discussion of Muskogee (Creek) Nation Allotment owned by Steve Bim Bruner located between the Creek Turnpike and Tucson Street, West of Olive Street in the City limits of Broken Arrow, Oklahoma, to include lawsuits filed involving this property and reported actions by the Muskogee (Creek) Nation
В.	<u>17-2643</u>	Consideration, discussion, and possible approval of and authorization to execute a Third Amendment to Economic Development Agreement by and among the Broken Arrow Economic Development Authority, the City of Broken Arrow, Oklahoma, and Stoney Creek Hospitality Corporation
	Attachments:	8-21-17 3rd amendment signed by James Thompson
C.	<u>17-2568</u>	Consideration, discussion, and possible approval of and authorization to execute a Professional Services Agreement with sixPR, L.L.C. to conduct a citizen survey and manage the 2018 General Obligation Bond public education campaign
	Attachments:	sixPR Contract for Services_City of Broken Arrow revised 08-30-17
D.	<u>17-2589</u>	Consideration, discussion, and possible approval of SP-284 (Specific Use Permit for animal sales and services including an animal training school) and abrogation of BAZ-1704, My Sonrise Stables, 101.02 acres, A-1, one-quarter to one-half mile south of Jasper Street, east of Olive Avenue
	Attachments:	1-PLANNING COMMISSION FACT SHEET.pdf
		2-CASE MAP.SP 284.pdf
		<u>3-AERIAL.SP 284.pdf</u>
		4-COMPREHENSIVE PLAN.SP 284.pdf
		5-DRAWING SUBMITTED BY APPLICANT.pdf
		6-SEPTEMBER 10, 2016 AERIAL WITH 200 FOOT MEASUREMENTS.pdf
		7-APRIL 24, 2014 AERIAL.pdf
		<u>8-JUNE 8, 2011 AERIAL.pdf</u>
		9-MARCH 28, 2010 AERIAL.pdf
		<u>10-APRIL 14, 2008 AERIAL.pdf</u>
		<u>11-JUNE 16, 2017, LETTER TO DAVID AND MISTY YONCE.pdf</u>
		12-APPLICABLE MUNICIPAL REGULATIONS.pdf
		13-WEB SITE INFORMATION ON MY SONRISESTABLES.pdf
		14-WEB SITE INFORMATION ON MY SONRISESTABLES.pdf
		15-CASE HISTORY MAP ASSOCIATED WITH BAZ 1704.pdf

E.17-2638Consideration, discussion, and possible approval of Resolution No. 1043, a
Resolution to place in Reserve Status, the section line of Section 35,

Township 19 North, Range 14 East, one-eighth mile East of Elm Place, City of Broken Arrow, Tulsa County, Oklahoma more particularly described as a tract of land lying in the Southeast Quarter (SE1/4) of Section Thirty-Five (35), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Meridian, City of Broken Arrow, Tulsa County, Oklahoma and further described as follows: the South 24.75 feet of the West 1248.00 feet of said SE1/4, the above description containing 0.71 acres more or less. Bearings are based on a grid bearing along the South line of the SW1/4 of Section 35, Township 19 North, Range 14 East (N88°42'33"E) based on the Oklahoma State Plane Coordinate System, North Zone, U.S. Survey Feet; and directing staff to file a Petition for Reserve Status with the Tulsa County Commissioners

Attachments: 7-31-17 Draft Resolution 1043 Albany Drive Reserve Status Exhibit A.8.docx

F. Consideration, discussion, and possible approval of Resolution No. 1044, a 17-2645 Resolution to place in Reserve Status, the section line of Section 2, Township 18 North, Range 14 East, generally located North of Albany Street, one-eighth mile East of Elm Place, City of Broken Arrow, Tulsa County, Oklahoma more particularly described as a tract of land lying in the Northeast Quarter (NE1/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East of the Indian meridian, City of Broken Arrow, Tulsa County, Oklahoma and further described as follows: the North 24.75 feet of the West 1248.00 feet of said NE1/4, the above description containing 0.71 acres more or less. Bearings are based on a grid bearing along the North line of the NW1/4 of Section 2, Township 18 North, Range 14 East (N88°42'33"E) based on the Oklahoma State Plane Coordinate System, North Zone, U.S. Survey Feet; and directing staff to file a Petition for Reserve Status with the Tulsa County Commissioners

Attachments: 7-31-17 Draft Resolution 1044 Albany Drive Reserve Status Exhibit A.9.docx

Consideration, discussion, and possible approval of Resolution No. 1045, a G. 17-2646 Resolution to place in Reserve Status, the section line of Section 2, Township 18 North, Range 14 East, generally located North of Albany Street, one-eighth mile East of Elm place, City of Broken Arrow, Tulsa County, Oklahoma more particularly described as a tract of land lying in the Northwest Quarter (NW1/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Meridian, city of Broken Arrow, Tulsa county, Oklahoma and further described as follows: commencing at the Northwest corner of said NW1/4; thence N88°42'33"E along the North line of said NW1/4 for a distance of 750.25 feet to the point of beginning; thence continuing N88°42'33"E along said North line for a distance of 361.95 feet ; thence S01°11'31"E for a distance of 24.75 feet to the North statutory right-of-way line of said NW1/4: thence S88°42'33"W along said North Right of way line and parallel to said North line of NW1/4 for a distance of 403.05 feet; thence N57°40'39"E for a distance of 48.01 feet to the point of beginning; the above description

containing 0.22 acres more or less. Bearings are based on the Oklahoma State Plane Coordinate System, North Zone, U.S. Survey Feet; and directing staff to file a Petition for Reserve Status with the Tulsa County Commissioners

Attachments: 7-31-17 Draft Resolution 1045 Albany Drive Reserve Status Exhibit B.2.docx

- H. 17-2647 Consideration, discussion, and possible approval of Resolution No. 1046, a Resolution to place in Reserve Status, the section line of Section 2, Township 18 North, Range 14 East, generally located North of Albany Street, one-eighth mile East of Elm Place, City of Broken Arrow, Tulsa County, Oklahoma more particularly described as a tract of land lying in the Northwest Quarter (NW1/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Meridian, City of Broken Arrow, Tulsa County, Oklahoma and further described as follows: commencing at the Northwest Corner of said NW1/4; thence N88°42'33"E along the North line of said NW1/4 for a distance of 1112.21 feet to the point of beginning; thence continuing N88°42'33"E along said North line for a distance of 575.19 feet; thence S46°14'38"E for a distance of 34.97 feet to the North statutory right-of-way line of said NW1/4; thence S88°42'33"W along said North right-of-way line and parallel to said North line of NW1/4 for a distance of 599.94 feet; thence N01°11'31"W for a distance of 24.75 feet to the point of beginning; the above description containing 0.33 acres more or less. Bearings are based on a grid bearing along the North line of the NW1/4 of Section 2, Township 18 North, Range 14 East (N88°42'33"E) based on the Oklahoma State Plane Coordinate System, North Zone, U.S. Survey Feet; and directing staff to file a Petition for Reserve Status with the Tulsa County Commissioners 7-31-17 Draft Resolution 1046 Albany Drive Reserve Status Exhibit B.1.docx Attachments: 17-2648 Consideration, discussion, and possible approval of Resolution No. 1050, a I. Resolution of the Council of the City of Broken Arrow, Oklahoma,
 - establishing the Wireline Nine-One-One (911) Emergency Telephone Fee for Calendar Year 2018 at Five Percent (5%) pursuant to State Statute and Ordinance

Attachments: 8-15-17 Resolution No.1050 - 911 Emergency Telehone Fee for FY2018.doc

- J. <u>17-2588</u> Consideration, discussion, and possible approval of the reappointment of Lori Lewis to the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term beginning October 1, 2017 and expiring September 30, 2019
- K.17-2640Consideration, discussion, and possible approval of the reappointment of
Michelle Bergwall to the Broken Arrow Downtown Advisory Board
- L. <u>17-2641</u> Consideration, discussion, and possible approval of the reappointment of Kelly Rash to the Broken Arrow Downtown Advisory Board

10. Preview Ordinances

- A. <u>17-2618</u> Consideration, discussion, and possible preview of an ordinance amending Chapter 6, BUILDINGS AND BUILDING REGULATIONS, Article III.5 INTERNATIONAL RESIDENTIAL CODE (IRC), Section 6-37 -Amendments, of the Broken Arrow Code; specifically requiring concrete and masonry foundation/stem walls to extend above the existing grade adjacent to the foundation at all points a minimum of twelve inches (12") and extend above the finished grade adjacent to the foundation at all points a minimum of six inches (6"); repealing all ordinances to the contrary
 - Attachments:
 Sec. 6_37.
 Amendments..docx

 ORD 1212 1984 ADOPTING THE CABO ONE AND TWO FAMILY DWELL

 ORD 1532 1989 ADOPTING THE NATIONAL BUILDING CODE OF 1987 W

 Foundation Drawings.pdf

11. Ordinances

A. <u>17-2553</u> Consideration, discussion, and possible adoption of Ordinance No. 3492, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1942 and PUD 240, generally located north of the northeast corner of Kenosha Street and Olive Avenue, granting an RS-3 zoning classification be placed upon the tract along with PUD 240, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: 2-BAZ 1942 & PUD 240 - ORD 3492.VILLAS AT BRICKTOWN.doc 3-CASE MAP.BAZ 1942 & PUD 240.ORD 3492.pdf

B. <u>17-2564</u>
 Consideration, discussion, and possible adoption of Ordinance No. 3493, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1973, granting a DM zoning classification be placed upon the tracts, generally located on the northwest corner of First Street and Elgin Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: 2-BAZ 1973 - ORD 3493.VILLAGE ON ELGIN.doc 3-CASE MAP.BAZ 1973.ORD 3493.pdf

C. <u>17-2556</u> Consideration, discussion, and possible adoption of Ordinance No. 3494, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD 236, granting PUD 236 zoning classification be placed upon the tracts, generally located on the southeast corner of the Broken Arrow Expressway and Elm Place, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: 2-ORD 3494.FERGUSON SUPERSTORE.PUD 236.doc 3-CASE MAP.ORD 3494.PUD 236.pdf

D. <u>17-2567</u> Consideration, discussion, and possible adoption of Ordinance No. 3495, an ordinance amending the zoning ordinance of the City of Broken Arrow,

Oklahoma, approving PUD 255, granting PUD 255 zoning classification be placed upon the tracts, generally located one-half mile north of Houston Street, one-half mile west of 9th Street on the southeast corner of Main Street and Broadway, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: 2-ORD 3495.FIRST NATIONAL BANK.PUD 255.doc 3-CASE MAP.ORD 3495.PUD-255.pdf

E. <u>17-2570</u> Consideration, discussion, and possible adoption of Ordinance No. 3496, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1975 and PUD 214A, generally located on the northwest corner of Omaha Street and Evans Road, one-quarter mile west of the Creek Turnpike, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: 2-ORD 3496.LATSHAW ADDITION.BAZ 1875 & PUD 214A.doc 3-CASE MAP.ORD 3496.BAZ-1875 & PUD-214A.pdf

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 and discussing the employment of the City Manager, Michael L. Spurgeon, and his employment agreements, and specifically to permit the City Council to conduct the annual evaluation as provided for in the City Manager's Employment Agreement as amended, and taking appropriate action in open session regarding his employment and contract as allowed for under 25 O.S. § 307(B)(1).

In the opinion of the City Attorney, the Council is advised that that the Executive Session is necessary to protect the confidentiality of the employee evaluation as allowed by the Open Meeting Act. 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 _____

City Clerk