



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, September 19, 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. [17-2680](#) Approval of AMENDED City Council Meeting Minutes of August 15, 2017

Attachments: [08-15-17 City Council Minutes - AMENDED](#)

- B. [17-2566](#) Approval of the Special City Council Meeting Minutes of August 22, 2017

Attachments: [08-22-2017 Special Meeting City Council](#)

- C. [17-1697](#) Approval of City Council Meeting Minutes of September 5, 2017

Attachments: [09-05-2017 City Council Minutes](#)

- D. [17-2689](#) Approval of Downtown Residential Overlay Study Pay Request Number 8 in the amount of \$4,473.38 for Phase Three and expenses to be paid through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$4,473.38 using Sales Tax Capital Improvement Program Funds

Attachments: [Executed Agreement.pdf](#)
[INVOICE 14297.REQUEST NO 8.pdf](#)

- E. [17-2603](#) Approval of and authorization to execute Resolution No. 1051, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 2, which consists of 0.43 acres of permanent Right-of-Way for 23rd Street, Houston to Kenosha, in the Southeast Quarter of Section 12, Township 18 North, Range 14 East, approximately 794 feet north of the

intersection of 23rd Street and Houston Street from Don C. Couch and Mary Hieronymus Couch, Husband and Wife, authorizing payment in the amount of \$25,000.00, and authorizing Staff to apply for reimbursement of 80 percent of the revised negotiated amount for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

Attachments: [170905 Resolution No. 1051 Parcel 2.docx](#)
[170821 Admin Settlement Parcel 2 Couch.pdf](#)
[170821 General Warranty Deed Parcel 2 Couch, Don-Mary.pdf](#)

- F. [17-2667](#) Approval of and authorization to execute Resolution No. 1055, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 8, which consists of 0.38 acres of permanent Right-of-Way for Olive Avenue Waterline, Tucson to New Orleans, in the Northwest corner of the Southwest Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, a Donation from Siegfried Companies, Inc., for the Olive Avenue Waterline, Tucson to New Orleans Project (Project No. WL1610)

Attachments: [Resolution 1055.pdf](#)
[Donation Certificate.pdf](#)
[GWD Seigfried Companies Inc.pdf](#)

- G. [17-2676](#) Approval of and authorization to execute Resolution No. 1056, a Resolution authorizing the acceptance of a General Warranty Deed and Temporary Construction Easement for Parcel 9, which consists of 18.030 square feet of permanent Right-of-Way and 600 square feet of temporary construction easement for 37th Street: Houston to Albany Road Improvements, located in the SW/4 of Section 8, Township 18 North, Range 15 East, Wagoner County from Cheatham Ranch, LLC., and authorization of payment in the amount of \$25,180.00 to Cheatham Ranch, LLC., for 37th Street: Houston to Albany Road Improvements Project (Project No. ST1413)

Attachments: [Resolution 1056.pdf](#)
[Acceptance Offer.pdf](#)
[GWD Cheatham Ranch LLC ST1413.pdf](#)
[TCE Cheatham Ranch LLC ST1413.pdf](#)

- H. [17-2669](#) Approval of and authorization to execute Amendment to the Capital Improvement Agreement with the Board of County Commissioners of Tulsa County regarding the Broken Arrow Conference Center Project

Attachments: [Amendment to Capital Improvement Agreement BA Conference Center Project](#)

- I. [17-2663](#) Approval of and authorization to execute a Youth Counseling Agreement between the City of Broken Arrow and Youth Services of Tulsa, Inc.

Attachments: [Youth Services Agreement-Signed 9-8-19.pdf](#)

- J. [17-2678](#) Approval of and authorization to execute two (2) contracts for Public

Improvements and one (1) contract for Provision of Public Services for 2017 Community Development Block Grant Program

Attachments: [170913 County-City Agreement 1st St Waterline Signed by Legal.pdf](#)
[170913 County-City Agreement 4th St Rehab Signed by Legal.pdf](#)
[170913 County-City Agreement Public Services Signed by Legal.pdf](#)

- K. [17-2671](#) Approval of and authorization to execute Change Order C02 for 37th Street: Omaha to Albany and Rural Water District #4 Waterline (Project No. ST1507)

Attachments: [Change Order - #2 Back Up Documents](#)

- L. [17-2668](#) Approval of and authorization to execute Work Order WO-06, Contract for Cold Milling Asphalt Streets (Bid No. 16.141)

Attachments: [WO-06](#)

- M. [17-2610](#) Approval of PT16-111, Conditional Final Plat, Bentley Square, 33 lots, 8.14 acres, CG to RS-4, one-quarter mile west of Aspen Avenue, south of Jasper Street

Attachments: [Planning Commission Fact Sheet](#)
[2-PT16-111 SUBDIVISION CHECKLIST](#)
[3-PT16-111 CFP JULY 31 2017](#)

- N. [17-2611](#) Approval of SP-281 (Specific Use Permit), South Broken Arrow Baptist Church, 7.50 acres, R-2, RM/SP-216, one-quarter mile north of Jasper Street along Elm Place

Attachments: [1-PUBLISHED PC FACT SHEET.pdf](#)
[2-REVISED CASE MAP.pdf](#)
[3- AERIAL.pdf](#)
[4-SITE PLAN.pdf](#)
[5-SIGN DETAILS.pdf](#)

- O. [16-1583](#) Approval of the Broken Arrow City Council Claims List for September 19, 2017

Attachments: [09-19-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A. [17-2642](#) Consideration, appointment of and swearing in of the Youth City Council members for the school year 2017 - 2018

Attachments: [YCC Oaths for 2017-2018](#)

- B. [17-2687](#) Presentation of Thrive, Your Money at Work Financial Report

Attachments: [CoBA 2018 Financial Report_FINAL](#)

- C. [17-2690](#) Presentation of the Upper Adams Creek Watershed Partnership Opportunity

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. [17-2683](#) Presentation, discussion, consideration and possible approval of the draft citizens survey to gather feedback for the 2018 General Obligation Bond projects

Attachments: [DRAFT Broken Arrow Survey 2018 GO Bond Project List](#)

- B. [17-2696](#) Consideration, discussion, and possible approval and authorization to execute a Third Amendment to Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon

Attachments: [9-8-2017 THIRD AMENDED EMPLOYMENT AGREEMENT - MICHAEL SI](#)

- C. [17-2674](#) Consideration, discussion, and possible approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Danna Centeno, RN, d/b/a Lockedin RN, LLC (Centeno) for providing city jail medical services

Attachments: [FY18 Jail Nurse contract](#)

- D. [17-2694](#) Consideration, discussion, and possible approval of and authorization to execute a Professional Service Agreement with Halff Associates, Inc. for the review and update to the City's Comprehensive Plan (Vision 40)

Attachments: [2-Scope of Services, Phase 1, Exhibit A, Sept. 14, 2017,contract](#)
[3-BA Project Schedule Exhibit B - 14sept2017](#)
[4-BA Professional Fee Exhibit C - 1aug2017](#)
[Halff - Contract Broken Arrow Comp. Plan PHASE 1 - 14sept2017](#)

- E. [17-2620](#) Consideration, discussion, and possible award of the lowest responsible bid to Magnum Construction, Inc., and approve and authorize execution of a construction contract for Public Safety Training Facility: Police Down Range Building and Site Preparation (Project No. 173002)

Attachments: [170911 Certified Bid Tab.pdf](#)

- F. [17-2673](#) Consideration, discussion, and possible approval of Resolution No. 1057, a Resolution approving and authorizing the execution of an agreement for the purchase and sale of real property located at 2300 South 1st Street, Broken Arrow, Oklahoma, legally described as being a parcel of land situated in the NE ¼ SW ¼ of Section 23, Township 18 North, Range 14 East, Indian Meridian, Tulsa County, Oklahoma including structures and improvements; by and between the City of Broken Arrow and Valor Telecommunications of Oklahoma, LLC., and authorizing the expenditure of \$1,080,000.00, to effect purchase, as well as reasonable and necessary costs; designating the

Mayor or Vice Mayor, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said agreement for the purchase and sale of real property; and containing other provisions relating thereto

Attachments: [Windstream.BrokenArrowPSA.Executed](#)
[RESOLUTION 1057 9-19-17 UPDATED ON 9-15-17](#)

- G. [17-2681](#) Consideration, discussion, and possible approval of reappointment of Mike Barron to the Broken Arrow Downtown Advisory Board

10. Preview Ordinances - - NONE

11. Ordinances

- A. [17-2661](#) Consideration, discussion, and possible adoption of Ordinance No. 3498, 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, and declaring an emergency

Attachments: [ordinance.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 City Council,
the City Manager, the City Attorney and any other pertinent staff members discussing and conferring on matters pertaining to:**

- 1. 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**
- 2. litigation, including potential resolution of a matter involving City of Broken Arrow v. REIP, LLC, et al. Case No. CJ-2017-1169, in the District Court of Tulsa County, State of Oklahoma, and taking appropriate action in open session, including authorization to settle this litigation, file a Demand for Jury Trial, and responding to an exception to the Commissioners' Report and Objection, all under 25 O.S. §307(B)(4); and**
- 3. Patricia C. Mitchell v. City of Broken Arrow, Workers' Compensation Court Case Number WCC No. 2014-03174, 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); and**
- 4. Charles Misener v. City of Broken Arrow, Workers' Compensation Claim #7009, 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