



**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*

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**Tuesday, August 7, 2018**

**6:30 PM**

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

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**1. Call to Order**

**2. Invocation**

**3. Roll Call**

**4. Pledge of Allegiance to the Flag**

**5. Consideration of Consent Agenda**

- A.     [18-891](#)           Approval of City Council Meeting Minutes of July 17, 2018
  
- B.     [18-946](#)           Ratification of Workers' Compensation Court Order for Tony C. McGill, Fire Department employee
  
- C.     [18-890](#)           Approval of travel expenses for Mayor Craig Thurmond to attend the White House Conference and Tour in Washington, D.C. with Oklahoma local and county leaders
  
- D.     [18-924](#)           Approval of and authorization to execute Resolution No. 1115, a Resolution authorizing acceptance of a General Warranty Deed and Temporary Construction Easement for Parcel 18, which consists of 0.01 acres of permanent Right-of-Way and 0.01 acres of Temporary Construction Easement for Florence Street Improvements, Olive to Aspen, located in the Northeast Quarter of Section 33, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the Greyoaks Home Owners Association (Project No. ST1410)
  
- E.     [18-929](#)           Approval of and authorization to execute Resolution No. 1117, a Resolution authorizing the acceptance of a General Warranty Deed and Temporary Construction Easement for Parcel 2, which consists of 0.42 acres of permanent Right-of-Way and 0.11 acres of Temporary Construction Easement for Florence Street Improvements, Olive to Aspen, in the Southwest Quarter of Section 28, Township 18 North, Range 14

East, Tulsa County, State of Oklahoma, from David Bendel, President of Siegfried Companies, Inc., the owner (Project No. ST1410)

- F. [18-928](#) Approval of and authorization to execute Resolution No. 1118, a Resolution authorizing the acceptance of a General Warranty Deed and two (2) Temporary Construction Easements for Parcel 9, which consists of 1.01 acres of permanent Right-of-Way and 0.16 acres of Temporary Construction Easements for Florence Street Improvements, Olive to Aspen, located in the Northwest Quarter of Section 33, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from David Bendel, President of Siegfried Companies, Inc., the owner (Project No. ST1410)
- G. [18-926](#) Approval of and authorization to execute Resolution No. 1119, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 7, which consists of 0.10 acres of permanent Right-of-Way for Florence Street Improvements, Olive to Aspen, in Southeast Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Hedgehog Investments, LLC., and authorization of payment in the amount of \$4,170.00 for the Florence Street Improvements: Olive to Aspen (Project No. ST1410)
- H. [18-885](#) Approval of and authorization to execute Resolution No. 1120, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
- I. [18-930](#) Approval of and authorization to execute Resolution No. 1121, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 6, which consists of 0.10 acres of permanent Right-of-Way for Florence Street Improvements, Olive to Aspen, located in the Southeast Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Jimmy Staires and authorization of payment in the amount of \$4,370.00 for the Florence Street Improvements: Olive to Aspen (Project No. ST1410)
- J. [18-925](#) Approval of and authorization to execute Resolution No. 1122, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 7, which consists of 0.03 acres of permanent Right-of-Way for Washington Street Improvements, Garnett to Olive, in the Southwest Quarter of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Lisa M. Winham, authorizing payment in the amount of \$4,720.00 for the Washington Street Improvements: Garnett to Olive, Parcel 7 (Project No. ST1616)
- K. [18-922](#) Approval of and authorization to execute Resolution No. 1123, a Resolution authorizing the acceptance of a Special Warranty Deed for Parcel 1A, which consists of 0.42 acres of permanent Right-of-Way for 37th Street Improvements, Houston to Albany, located in the Southeast Quarter of Section 6, Township 18 North, Range 15 East, Wagoner County,

State Of Oklahoma, The Betty Ann Mockley 1992 Revocable Trust Dated October 20, 1992 and Robert E. Mockley II (Project No. ST1413)

- L. [18-936](#) Approval of and authorization to execute Resolution No. 1124, a Resolution authorizing acceptance of a General Warranty Deed and Temporary Construction Easement for Parcel 6, which consists of 0.07 acres of permanent Right-of-Way and 0.0095 acres of Temporary Construction Easement for Washington Street Improvements, Garnett to Olive, located at 11903 E 91st Street in SE/4 of the SE/4 of the SW/4 of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Jesse and Marilyn Matthews (Project No. ST1616)
- M. [18-903](#) Approval of and authorization to execute Resolution No. 1125, a Resolution of the City Council of the City of Broken Arrow, Oklahoma, establishing the Wireline Nine-One-One (911) Emergency Telephone Fee for Calendar Year 2019 at Five Percent (5%) pursuant to State Statute and Ordinance
- N. [18-894](#) Approval of and authorization to execute a Professional Services Agreement with Baer & Timberlake, P.C. for providing counsel and legal advice regarding right-of-way acquisitions, title opinions and property law
- O. [18-897](#) Approval of and authorization to execute an Interlocal Agreement between the County of Wagoner, Oklahoma and the City of Broken Arrow, Oklahoma concerning County Road and Bridge Maintenance and Repair
- P. [18-939](#) Notification of Professional Services Contracts with value of less than \$25,000 (Contract No. SURV 19-01)
- Q. [18-812](#) Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Hall Estill, Attorneys at Law for providing counsel and legal advice regarding water related issues
- R. [18-900](#) Approval of and authorization to execute the First Amendment to the Pharmacy Benefit Management Services Agreement with Navitus Health Solutions, LLC to continue to provide pharmacy benefit manager services for the employee health plan
- S. [18-933](#) Approval of and authorization to execute the Professional Consultant Agreement with The Schemmer Associates, Inc. for providing CADD (Computer Aided Drafting Design) and Related Technical Support Services (Contract No. CADD 19-01)
- T. [18-943](#) Approval of and authorization to execute a contract with SpyGlass for auditing the City's telecommunication services to include, but not limited to, local and long distance, voice billing, internet and data line billing, including T1's and wireless billing
- U. [18-901](#) Approval of and authorization to execute renewal from Unum to provide long-term disability insurance to City employees

- V. [18-850](#) Approval of and authorization to execute a Services Contract between the City of Broken Arrow and ArtsOK the Regional Arts Alliance of Broken Arrow, to assist with the development and programming of the Creative Arts Center
- W. [18-841](#) Approval of and authorization to purchase ADAMS digital evidence software from Foray Technologies at General Service Administration (GSA) pricing
- X. [18-906](#) Approval of and authorization to purchase one (1) 3/4-Ton crew cab pickup from Bob Howard Dodge, pursuant to the Oklahoma Statewide Vehicle contract, for the Parks and Recreation Department
- Y. [18-865](#) Approval of and authorization to purchase three (3) 2019 Ford Taurus full-sized automobiles from England Ford, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department
- Z. [18-934](#) Approval of and authorization to purchase one (1) 2019 Dodge Durango with options 1 through 3 from John Vance Motors pursuant to the Oklahoma Statewide Vehicle Contract, for the Engineering and Construction Department
- AA. [18-875](#) Approval of and authorization to purchase of one (1) ¾ Ton Crew cab pickup truck from Vance Country Ford, pursuant to the Oklahoma Statewide vehicle contract, for the Police Department
- AB. [18-887](#) Approval of and authorization to execute the purchase of two (2) LifePak 15 Cardiac monitors from Physio-Control, Inc. pursuant to the Oklahoma Statewide Contract, and authorize to surplus and authorize to trade-in as a credit two (2) LifePak 12 monitors for the Fire Department
- AC. [18-902](#) Approval of and authorization to purchase Police practice ammunition from Precision Delta Corporation, the second lowest bid pursuant to the Oklahoma Statewide Ammunition Contract due to health and shipping concerns, for the Police Department Training Division
- AD. [18-877](#) Approval of and authorization for the sole source purchase of an upgraded version of Tactics Central Management Software and approve and authorize execution of a Yearly Maintenance Agreement from Gades Sales Company, Inc. for the Traffic Signals Maintenance Division of the Street and Stormwater Division
- AE. [18-839](#) Approval of and authorization to execute the purchase of Taser CEW's with accessories from Axon, formally Taser International, a sole source vendor
- AF. [18-931](#) Award the lowest responsible bid to H&G Contractors, Inc, and approve and authorize execution of a construction contract for Schedule A Base Bid and Schedule A Add Alternate 1 for the Old Town Streets - Rehabilitation of Ash Avenue from El Paso Street to Detroit Street as well as El Paso Street and College Street from Ash Avenue to Main Street (Project No. ST1711)

- AG.**     [18-932](#)     Award the lowest responsible bid to Direct Traffic Control, Inc., and approve and authorize execution of a construction contract for the City Wide Striping Plan (Project No. ST1813)
- AH.**     [18-873](#)     Approval of BAZ-2006, Jackson Square, 0.32 acres, R-3 to DM, one-eighth mile south of Houston Street, one-half mile east of Elm Place at 119 East Jackson Street
- AI.**     [18-847](#)     Approval of PUD (Planned Unit Development) 271A and Abrogation of a portion of BAZ-1994, Bill Knight Collision, 2.74 acres, PUD-271/CH and IL to PUD-271A/CH and IL, north of Kenosha Street, west of 9th Street
- AJ.**     [18-874](#)     Acceptance of a Utility Easement from Hillside Development LLC, on property located north of the Broken Arrow Expressway, a quarter mile west of 9th Street, Tracts B-1, Lot 4, Block 2, Hillside Crossings, Tulsa County, State of Oklahoma (Section 2, T18N, R14E)
- AK.**     [18-889](#)     Approve and authorize execution of an Encroachment Agreement and Release of Liability from the City of Broken Arrow for a portion of a structure to be built into city right-of-way located south of Lot 12, Block 18, Original Town of Broken Arrow, Tulsa County, Oklahoma (S15 T18N R14E)(Milestone)
- AL.**     [18-831](#)     Acceptance of a Utility Easement conveyed to the City of Broken Arrow, Oklahoma, a Municipal Corporation, from the Broken Arrow Economic Development Authority, Lots 13, 14, 21 & 22, Block 18, Original Town of Broken Arrow, on property located one-third mile south of Kenosha Street, one-half mile east of Elm Place, Tulsa County, State of Oklahoma (Section 11, T18N, R14E)(Milestone)
- AM.**     [18-826](#)     Acceptance of a Mutual Access Easement conveyed to the City of Broken Arrow, Oklahoma, a Municipal Corporation, from the Broken Arrow Economic Development Authority, Lots 13, 14, 21 & 22, Block 18, Original Town of Broken Arrow, on property located one-third mile south of Kenosha Street, one-half mile east of Elm Place, Tulsa County, State of Oklahoma (Section 11, T18N, R14E)(Milestone)
- AN.**     [18-935](#)     Acceptance of a Temporary Construction Easement from for Parcel 14A, which consists of 0.05 acres of Temporary Construction Easement for Washington Street Improvements, Garnett to Olive, located at 12300 E 91st Street in SE/4 Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the Roman Catholic Diocese of Tulsa (Project No. ST1616)
- AO.**     [18-923](#)     Acceptance of two Temporary Construction Easements from the Georgeanna Brown Thomas Revocable Trust, on property located at 305 W. Kenosha Street, a tract of land in part of Lots 10, 11, and 12, Block 2, North Side Addition in Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Kenosha Street Improvements,

Date to Main, Parcel 10 (Project No. ST1409)

- AP.**     [18-938](#)     Acceptance of a three (3) Temporary Construction Easements from Independent School District No. 3 of Tulsa County, Oklahoma, a.k.a. Broken Arrow Public Schools, on property located at 2800 W Florence Street, a tract of land in part of the Southeast Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Florence Street Improvements, Olive to Aspen, Parcel 5 (Project No. ST1410)
- AQ.**     [18-752](#)     Acceptance of a Sanitary Sewer Line Easement Dedication from Public Service Company of Oklahoma, on property located north and east of the northeast corner of Tucson Street and 9th Street, Tulsa County, State of Oklahoma (Section 36, T18N, R14E)
- AR.**     [18-751](#)     Acceptance of a Sanitary Sewer Line Easement Dedication from Brighton Village, LLC, on property located north and east of the northeast corner of Tucson Street and 9th Street, Tulsa County, State of Oklahoma (Section 36, T18N, R14E)
- AS.**     [18-46](#)     Approval of the Broken Arrow City Council Claims List for August 07, 2018

## **6. Consideration of Items Removed from Consent Agenda**

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

- A.**     [18-884](#)     Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring August 7, 2018, as Purple Heart Day in the City of Broken Arrow, Oklahoma
- B.**     [18-910](#)     Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring August 11, 2018, as the 73rd Anniversary Celebration of VJ Day in Broken Arrow, Oklahoma
- C.**     [18-872](#)     Public hearing, consideration, and possible action regarding PUD-278 (Planned Unit Development) and BAZ-2008 (Rezoning), Parks Property, 4.69 acres, CH and A-1 to CH and RE/PUD-278, located one-half mile north of New Orleans Street, east of 1st Place at 2303 South 1st Place
- D.**     [18-920](#)     Presentation and discussion of newly enacted State Statutes and Oklahoma Department of Health rules governing the sale and regulation of medical marijuana following passage of State Question 788
- E.**     [18-937](#)     Presentation and discussion regarding recent training presentation given to Planning Commission
- F.**     [18-952](#)     Presentation regarding update on the City Street Maintenance Program funded through Street Sales Tax

## **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. [18-899](#) Consideration, discussion, and possible approval of and authorization to execute the Fiscal Year 2018-19 Labor Agreement with the Fraternal Order of Police Lodge #170
- B. [18-844](#) Consideration, discussion, and possible approval of BAZ-2007, RDS Business Park, 19.70 acres, A-1 to CN, one-quarter mile north of Kenosha Street, east of 23rd Street
- C. [18-941](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1113, a Resolution of the Broken Arrow City Council declaring approximately 5.2225 acres of city-owned property identified as tracts 1A, 1B and 2B combined of Lot 2, Block 1, Tiger Hill Plaza, a platted subdivision within the City of Broken Arrow, Tulsa County, State of Oklahoma, and generally located on the Southwest corner of Lynn Lane (9th Street) and Kenosha street (71st Street) surplus and authorizing transfer to the Broken Arrow Economic Development Authority, an Oklahoma Public Trust of which the City of Broken Arrow is the sole beneficiary for good and valuable consideration and specifically for the public purpose of furthering the City's economic development goals; and approving and authorizing the execution of certain documents necessary to accomplish the declaration of surplus and transfer of title, including a General Warranty Deed; repealing Resolution no. 866 of the City of Broken Arrow declaring approximately 6.84 acres of city-owned property located on the Southwest corner of Lynn Lane (9th Street) and Kenosha Street (71st Street) surplus and authorizing transfer to the Broken Arrow Economic Development Authority; and containing other provisions relating thereto
- D. [18-913](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1116, a Resolution of the Broken Arrow City Council authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 2701 E. Norman Pl., Broken Arrow, Oklahoma 74014
- E. [18-904](#) Consideration, discussion, and possible approval regarding PUD-279 (Planned Unit Development), Sound Mind, 14.16 acres, A-1 to CG (BAZ-1848) to CG/PUD-279, located one-half mile north of Tucson Street, west of Aspen Avenue, north of the Creek Turnpike

## 10. Preview Ordinances

- A. [18-833](#) Consideration, discussion, and possible preview of an Ordinance closing an alleyway on property located one-third mile south of Kenosha Street, one-half mile east of Elm Place, Tulsa County, State of Oklahoma (Section 11, T18N, R14E)(Milestone)



- B.**     [18-907](#)     Consideration, discussion and possible preview of an Ordinance repealing Chapter 4 of the Broken Arrow Code, Article V, Low-Point Beverages, Section 4-85, Definitions; Section 4-86 Transporting low point beer in open containers; possession in public places; Section 4-87. - Retail dealer's license; Section 4-88, Sale on Sunday and during certain hours; Section 4-89, Gambling, disorderly conduct, etc., on sales premises; Section 4-90, General regulations with respect to minors; Section 4-91, Sale or delivery to minors; Section 4-92, Minors not to misrepresent age for purpose of buying; Section 4-93, Possession by minors; Section 4-94, Sale or delivery to intoxicated, insane or mentally deficient persons; Section 4-95 Permitting intoxicated persons on sales premises; Section 4-96, Suspension or revocation of license; specifically repealing all ordinances regulating low point to become in compliance with SQ 792, repealing all ordinances to the contract; and declaring an effective date of October 1, 2018
- C.**     [18-921](#)     Consideration, discussion and possible preview of an Ordinance amending Chapter 4, ALCOHOLIC BEVERAGES, Article I, GENERAL PROVISIONS, Section 4-1, Definitions; Section 4-13, Transporting alcoholic beverages in opened containers; possession in public places; Section 4-22, Employment of minors selling or handling; and Section 4-25, Operation of retailers prohibited during certain hours and on certain days; Section 4-33, Occupation tax-Levied; amount; of the Broken Arrow Code; specifically amending to be in compliance with SQ 792; repealing all ordinances to the contrary; and declaring an effective date of October 1, 2018
- D.**     [18-918](#)     Consideration, discussion and possible preview of an Ordinance amending Chapter 16 Offenses-Miscellaneous, Article I, In General, Section 28, Possession of Marijuana and Controlled Dangerous Substances; Section 28.1, Prohibiting Possession, Delivery or Manufacture of Drug Paraphernalia; Exception; Penalty; of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

## **11. Ordinances**

- A.**     [18-845](#)     Consideration, discussion, and possible adoption of Ordinance No. 3534, an ordinance for a Temporary Turnaround Easement Closure from David and Misty Yonce, on property located one-quarter mile south of Jasper Street, one-quarter mile east of Olive Avenue, Tulsa County, State of Oklahoma (Section 09, T17N, R14E); repealing all ordinances to the contrary; and declaring an emergency
- B.**     [18-895](#)     Consideration, discussion, and possible adoption of Ordinance No. 3535, an ordinance amending Chapter 10, Fire Prevention and Protection, Article I, In General, Section 10-3, Manufacture, Sale, Use, Etc., of firework, created, of the Broken Arrow Code of Ordinances; specifically referencing the Manual of Fees, repealing all ordinances to the contrary; 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, the City Attorney and other pertinent staff members discussing and conferring on matters pertaining to:**

**1. Litigation, including potential resolution involving litigation in the matter of City of Broken Arrow v. Nikel Investment, LLC., et. al, Tulsa County District Court Case Number CJ-2017-1470, under 25 O.S. §307(B)(4); and**

**2. Litigation, including potential resolution involving litigation in the matter of John Franklin Loerch, Jr. v. City of Broken Arrow, Tulsa County District Court Case Number CJ-2017-2627, under 25 O.S. §307(B)(4); and**

**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