



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 18, 2018

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. [18-1010](#) Approval of City Council Meeting Minutes of September 4, 2018
- B. [18-1109](#) Approval of Special City Council Meeting Minutes of September 4, 2018
- C. [18-1105](#) Approval of and authorization to execute a Consent to Assignment Agreement by and between City of Broken Arrow, a municipal corporation, operating a golf course known as the Battle Creek Golf Course and Greenway Golf Associates, Inc., a California corporation (“Assignor”) and Greenway Golf Partners, an Oklahoma limited liability corporation (“Assignee”)
- D. [18-1081](#) Approval of and authorization to execute the Office of Attorney General 2018 Safe Oklahoma Grant Program Contract for Fiscal year 2018-2019
- E. [18-1083](#) Approval of and authorization to accept a grant from the Oklahoma District Attorney’s Council for the City of Broken Arrow (Victims of Crime Act Grant) to provide a Victim Response Program for the City of Broken Arrow in Fiscal year 2018-2019
- F. [18-998](#) Approval of and authorization to execute the Enterprise Enrollment Agreement and Program Selection Form with Microsoft Corporation for Microsoft software, products, and licenses

- G. [18-1097](#) Approval of and authorization to execute renewal of a Nuisance Abatement Property Structure Securing Agreement between the City of Broken Arrow and Momentum Services, LLC
- H. [18-1090](#) Approval of and authorization to purchase Cisco Smartnet Maintenance Services from Chickasaw Telecom, Inc. pursuant to the Oklahoma Statewide Contract
- I. [18-1094](#) Approval of and authorization to purchase one (1) Toro 4700-D mower from Professional Turf pursuant to the Oklahoma Statewide Mowers and Handheld Equipment State Contract, for the Parks and Recreation Department
- J. [18-1091](#) Approval of and authorization to purchase equipment for a Windows Server 2016 Hyper-V cluster from the state contract pursuant to the Western States Contracting Alliance
- K. [18-1107](#) Award the lowest responsible bid to Bright Lighting, Inc., dba BL Tower Construction and approve and authorize execution of a construction contract for Wolf Creek Subdivisions Rehabilitation (Project No. ST1806) including the Base Bid as well as Additive Alternate Number 1 and Additive Alternate Number 2
- L. [18-1079](#) Approval of and authorization to reject the previously awarded Statewide Contract bid from England Ford for the purchase of three full-sized automobiles and award the bid to Hudiburg Fleet on the Statewide Contract for the Broken Arrow Police Department
- M. [18-1092](#) Notification of Change Orders or Work Orders with a value of less than \$25,000 on Public Contracts
- N. [18-1093](#) Approval of PT17-102, Conditional Final Plat, The Pines at the Preserve, 24.61 acres, RS-3, west of the southwest corner of 37th Street and Omaha Street
- O. [18-1066](#) Approval of PT18-106, Conditional Final Plat, Bill Knight Collision, 2 lots, 2.74 acres, PUD-271/CH and IL to PUD-271A/CH and IL, north of Kenosha Street, west of 9th Street
- P. [18-1077](#) Acceptance of a Deed of Dedication from Broken Arrow Public Schools, on property located north of Kenosha Street, one-quarter mile west of 37th Street, Wagoner County, State of Oklahoma (Section 06, T18N, R15E)
- Q. [18-1017](#) Approval of the reappointment of Karen Chambless to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2020

- R. [18-1018](#) Approval of the nomination and appointment of Ben Buie to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2020
- S. [18-1019](#) Approval of the nomination and appointment of Jason Scarpa to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2020
- T. [18-55](#) Approval of the Broken Arrow City Council Claims List for September 18, 2018

6. Consideration of Items Removed from Consent Agenda

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

- A. [18-1089](#) Consideration, appointment of and swearing in of the Youth City Council members for the 2018-2019 school year
- B. [18-1113](#) Presentation regarding the road closures for Evans Road Railroad Crossing in association with Union Pacific Railroad Rehabilitating the Crossing

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. [18-1080](#) Consideration, discussion, and possible approval of SP-289 (Specific Use Permit), Events Center, 21.05 acres, A-1, one-quarter mile north of New Orleans Street, east of 1st Place
- B. [18-1100](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1133, a Resolution approving the Fiscal Year 2019 Manual of Fees, establishing fees costs charged by the City of Broken Arrow: authorizing the periodic adjustment and waiver of fees by the City Manager; providing an effective date of October 1, 2018
- C. [18-1064](#) Consideration, discussion, and possible approval of and authorization to execute a Service Agreement for Disaster Recovery Services between the Institute for Building Technology and Safety (IBTS) and the City of Broken Arrow, Oklahoma and an Agreement with the Oklahoma Municipal League for Disaster Recovery Services as a membership benefit
- D. [18-1098](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No.1131, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of Mike W. Rugg and Jana L. Rugg v. City of Broken Arrow, et al., Tulsa County District Court Case No. CV-2018-01068, authorizing the foreclosure and vacation of street right of way generally located on North Date Avenue

- E. [18-1085](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1132, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and a Journal Entry of Judgment in regard to the matter of John F. Loerch, Jr. v. City of Broken Arrow, et al. Case No. CJ-2017-2627 in the District court for Tulsa County, State 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 Court's approval, pursuant to 51 O.S. § 158
- F. [18-1108](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1134, a Resolution 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 1617 South Pine Avenue, Broken Arrow, Oklahoma 74012
- G. [18-1086](#) Consideration, discussion, and possible approval to reschedule the November 6, 2018, Broken Arrow City Council meeting from Tuesday, November 6, 2018, to Monday, November 5, 2018, due to Council members attending the National League of Cities Annual Conference in Los Angeles, CA

10. Preview Ordinances - NONE

11. Ordinances

- A. [18-1104](#) Consideration, discussion, and possible adoption of Ordinance No. 3540, an ordinance amending Section 3.1.F (Table 3.1-1) Table of Allowed Uses; and Section 5.4 (Table 4.4.1) Off-Street Parking Schedule A; and Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types; and Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance; and declaring an emergency
- B. [18-1110](#) Consideration, discussion, and possible adoption of Ordinance No. 3541, an ordinance amending Chapter 26, Emergency Medical Services, of the City of Broken Arrow Code of Ordinances, Section 26-8 Insurance Provision, Subrogation and Assignment; specifically providing the percentage of an emergency medical services bill to be paid by the subscriber to the City's Medical Service Program who is uninsured; repealing all ordinances to the contrary; and declaring an emergency

- C. [18-1112](#) Consideration, discussion, and possible adoption of Ordinance No. 3542, an Ordinance of the City of Broken Arrow amending the City of Broken code of ordinances chapter 7, adding Article XV Medical Marijuana, Business Regulations and Licensing, Establishing Regulations for Retail Medical Marijuana Establishments, Commercial Marijuana growing facilities, Wholesale Marijuana Facilities, Marijuana Storage Facilities; and 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 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 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 _____
a.m./p.m.

City Clerk