



# 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, October 2, 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. [18-1164](#) Approval of City Council Special Meeting Minutes of September 25, 2018
- B. [18-1011](#) Approval of City Council Meeting Minutes of September 18, 2018
- C. [18-1159](#) Approval of and authorization to execute a Fourth Amendment to Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon
- D. [18-1148](#) Approval of and authorization to execute a Professional Services Contract for Right of Way/Property Acquisition Services for various City Projects with RJP Real Estate Services, LLC
- E. [18-1111](#) Award the most advantageous bid to Armscor for the purchase of rifle ammunition
- F. [18-1120](#) Award the most advantageous bid to Rush Truck Center for the purchase of one (1) dump truck for the Streets and Stormwater Department
- G. [18-1116](#) Approval of and authorization to purchase one (1) ½-ton crew cab pickup truck from John Vance, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department
- H. [18-1152](#) Approval of and authorization to execute a Change Order CO2 for Construction Contract 176038/176040; Events Park Regional Playground and Pavilions
- I. [18-1144](#) Acceptance of a Temporary Construction Easement for the Haikey Creek Sewer repair located at 4501 W Washington Street in NE/4 of the NW/4 of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the Robert and Gwendolyn McCullough
- J. [18-1156](#) Approval of PT16-108A, Conditional Final Plat, North Rose Business Park, 13.20 acres, 13 lots, RM, R-2, CN, and CH to IL/PUD-253A, north of Kenosha Street, one-quarter mile east of Elm Place
- K. [18-1155](#) Approval of PT18-102, Conditional Final Plat, Silverleaf II, 121 lots, 31.17 acres, A-1 to PUD-225/RS-3, one-quarter mile north of Omaha Street, west of 37th Street
- L. [18-58](#) Approval of the Broken Arrow City Council Claims List for October 02, 2018

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

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

- A. [18-1115](#) Presentation by Development Services Director Michael Skates and Emergency Management Director Jamie Ott on Safe Room Rebate Program

**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. [18-1158](#) Consideration, discussion, and possible approval of projects to be included in the sale of General Obligation ("GO") Bonds, Series 2018B, Series 2018C and Series 2018D
- B. [18-1150](#) Consideration, discussion, and possible approval of and authorization to execute a Use Agreement with Patio Condominium Homeowners Association, Inc., for the 9th Street Improvements, Elgin to El Paso (Project No. ST1210)
- C. [18-1145](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1135, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 3, which consists of 0.25 acres of permanent Right-of-Way and a Temporary Construction Easement for Parcel 3A which consists of 0.10 acres for 9th Street Improvements, Elgin to El Paso, located at 303/307/309 S 9th Street in the NW/4 of Section 12, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the Patio Condominium Homeowners Association, Inc., for the 9th Street Improvements, Elgin to El Paso, Parcel 3, 3A (Project No. ST1210)
- D. [18-1147](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1137, a Resolution authorizing the Acting City Attorney to Agree to Judgment in the case of the City of Broken Arrow v. B-Z Properties LLC., Case No. CV-18-22 in Wagoner County District Court and directing the Acting City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the Court's approval
- E. [18-1146](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1138, a Resolution authorizing the Legal Department to file an answer agreeing to vacate a part of the amended plat of Lynn Lane Industrial Park, generally located east of Lynn Lane south of Houston Street, and waiving any objections to the Petition to Vacate in the matter of Alfa Laval, Inc., v. City of Broken Arrow et al., Tulsa County District Court Case No. CV-2018-01173
- F. [18-1157](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1139, a Resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its Promissory Note in principal amount not to exceed \$21,305,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto
- G. [18-1167](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1141, a Resolution of the Broken Arrow City Council declaring an emergency as a result of a bridge failure resulting in undermining of the roadway on South Poplar between West Oakridge Street and West Pittsburg Court; activation of the City's Emergency Operation Protocols, including waiving state and local provisions pertaining to competitive bidding as allowed by law; authorizing an informal bidding process; authorizing the city manager to execute emergency contracts as necessary for repairs and any subsequent critical events; ratifying all prior actions of the city manager, including the purchase of

necessary materials for repair of the bridge and the closure of South Poplar Avenue; providing for the termination and extension of the provisions of this resolution; and directing the City Manager to carry out all applicable provisions

- H. [18-1149](#) Consideration, discussion, and possible approval to reject all bids for construction of the Nienhuis Park Sand Volleyball Courts (Project No. 186023) and find that the best interests of the City of Broken Arrow will be served by the rejection
- I. [18-1121](#) Consideration, discussion, and possible approval to withdraw the purchase of one (1) 3/4-ton crew cab truck from Bill Knight Ford due to a pricing and option change on the statewide vehicle contract; and possible approval and authorization to purchase one (1) 3/4-ton crew cab truck from Bob Howard Dodge, pursuant to the Oklahoma statewide vehicle contract, for the Information Technologies Department

**10. Preview Ordinances - NONE**

**11. Ordinances - NONE**

**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, including potential resolution of Lamont Tharps v. City of Broken Arrow, a pending tort claim, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).
2. Litigation, including potential resolution, of a matter involving the litigation case of Cloudi Mornings, LLC vs. City of Broken Arrow et al., Tulsa County District Court Case Number CV-2018-1213, 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 litigation and possible litigation and that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding 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 \_\_\_\_\_, 2018, at \_\_\_\_ a.m./p.m.

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City Clerk