



City of Broken Arrow
Meeting Agenda - Final
Broken Arrow City Council

Mayor Craig Thurmond
Vice Mayor Scott Eudey
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Debra Wimpee

Tuesday, November 20, 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. [18-1132](#) Approval of City Council Meeting Minutes of November 5, 2018
- B. [18-1331](#) Ratification of Workers' Compensation Settlement for Charles A. Misener,
former Fire Department employee
- C. [18-1296](#) Approval of the nomination and appointment of Dana Ludwig to the Broken
Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring
September 30, 2020
- D. [18-1266](#) Approval of and authorization for acceptance of a \$25,263.98 grant from
the Federal Emergency Management Agency Region 6
- E. [18-1303](#) Acceptance of a donation in the amount of \$4,000 from Saint Francis
Hospital South for the purpose of renewing the PulsePoint mobile
application service

- F.** [18-1336](#) Approval of and authorization to execute Resolution No. 1165, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 4, which consists of 0.15 acres of Permanent Right-of-Way and 0.01 acres of Temporary Construction Easement for Florence Street improvements, Olive to Aspen, located in the Southwest Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Hugh, Phillip, Steven, and Gary McElroy, and Patricia Pound and authorization of payment in the amount of \$9,700.00 for the Florence Street Improvements: Olive to Aspen, (Project No. ST1410)
- G.** [18-1343](#) Approval of and authorization to execute a Professional Consultant Agreement with KKT Architects, Inc. for Broken Arrow City Council Chambers Renovations
- H.** [18-1345](#) Approval of and authorization to execute Amendment No. 3 to Professional Consultant Agreement with Holloway, Updike and Bellen, Inc. (HUB) for revisions to design of Albany Street Improvements from 9th Street to 23rd Street (Project No. ST1411)
- I.** [18-1344](#) Approval of and authorization to execute the Amendment No. 1 to Agreement for Professional Consultant Services with Selser Schaefer Architects for the Public Safety Complex Renovation & Forensic Lab (Project No. 181707)
- J.** [18-1337](#) Ratification of the motorcycle safety training and awareness grant application and approval of and authorization to execute the proposed agreement for Fiscal year 2018-2019 with the Oklahoma Highway Safety Office
- K.** [18-1346](#) Ratification of the high visibility enforcement grant application and approval of and authorization to execute the proposed agreement for Fiscal year 2018-2019 with the Oklahoma Highway Safety Office
- L.** [18-1305](#) Approval of and authorization to execute a lease agreement with Sharon K. Petrik and the City of Broken Arrow for office space lease for the Broken Arrow Convention and Visitors' Bureau located at 111 East Commercial Street
- M.** [18-1248](#) Approval of and authorization to execute a Professional Services Contract with ArtsOK The Regional Arts Alliance of Broken Arrow for the 2018-2019 Spotlight Series in the amount of \$5,000.00 per show for a period of three years, subject to annual appropriation
- N.** [18-1339](#) Notification of Change Orders or Work Orders with a value of less than \$25,000 on Public Contracts

- O. [18-1334](#) Acceptance of Temporary Construction Easements consisting of 0.09 acres and 0.18 acres from Terrie Berry, on property located at 12430 S 185th E Ave located in part of the Northwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$360.00 for the County Line Trunk Sewer Replacement, Parcel 5.1, 5.2 (Project No. S.1609)
- P. [18-1326](#) Acceptance of Temporary Construction Easements consisting of 0.089 acres and 0.16 acres from Kenneth C and Brenda K Nickels, on property located at 12422 S 185th E Ave located in part of the Northwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$320.00 for the County Line Trunk Sewer Replacement, Parcel 8.1,8.2 (Project No. S.1609)
- Q. [18-1332](#) Acceptance of Temporary Construction Easements consisting of 0.53 acres and 2.35 acres from Tucson Village LLC, an Oklahoma limited liability company, on property located at 12102 South 193rd East Avenue located in part of the Northeast Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$3,760.00 for the County Line Trunk Sewer Replacement, Parcel 10.1, 10.2 (Project No. S.1609)
- R. [18-1333](#) Acceptance of a Temporary Construction Easement from Silverstar Investments, LLC, an Oklahoma limited liability company and Jerry and Kimberly Wilkins, the owners, on property located at 8451 S 9th Street, a tract of land in part of the Northwest Quarter of Section 12, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the County Line Trunk Sewer Replacement, Parcel 5.A (Project No. S.1609A)
- S. [18-1335](#) Approval of the conveyance of an Utility Easement consisting of 0.21 acres and 0.33 acres of Temporary Construction Easement from the City of Broken Arrow to the public on property located at 5420 S 23rd Street, a tract of land in part of the Northeast Quarter of Section 36, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the County Line Trunk Sewer Replacement, Parcel 14A.0, 14A.1 (Project No. S.1609)
- T. [18-1338](#) Acceptance of a Utility Easement consisting of 0.15 acres and 0.08 acres of Temporary Construction Easement from the Bryan S. Payne Trust, on property located at 19208 E 111th St located in part of the Northeast Quarter of Section 36, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$8,610.00 for the County Line Trunk Sewer Replacement, Parcel 18.0, 18.1 (Project No. S.1609)

- U. [18-1228](#) Approval of PT18-107, Conditional Final Plat, Freedom Wash, a replat of Lot 5 and Lot 7, Block 1 of Kenwood Acres (Plat #1417), 2.76 acres, 3 Lots, R-1 to PUD 172/RD and CH, north of Kenosha Street, one-quarter mile west of 9th Street, between 4th Street and 5th Street
- V. [18-67](#) Approval of the Broken Arrow City Council Claims List for November 20, 2018

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards - NONE

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. [18-1288](#) Consideration, discussion, and possible approval of BAZ- 2014, Wall/Toomey Properties, 12.99 acres, A-1 to RS-2, north and east of the northeast corner of Albany Street and 51st Street
- B. [18-1342](#) Consideration, discussion, and possible action on Resolution No. 1163 - Corrected, a Resolution of Necessity to Condemn Property located in the Northwest Quarter of Section 7, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the 23rd Street: Houston to Kenosha, widening project. Parcel 9 (Project No. ST0914)
- C. [18-1301](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1166, a Resolution of support for the Tulsa Chamber 2019 OneVoice Legislative Priorities

10. Preview Ordinances

- A. [18-1330](#) Consideration, discussion, and possible preview of an ordinance amending Chapter 7-Business Regulations and Licenses, Article 1-In General, Section 7-12, Mobile food vendors; repealing all ordinances to the contrary; and declaring an emergency

11. Ordinances

- A. [18-1304](#) Consideration, discussion, and possible adoption of Ordinance No. 3543, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2008, generally located one-half mile north of New Orleans Street, east of First Place, granting a RE zoning classification be placed upon the tract along with PUD-278, repealing all ordinances or parts of ordinances in conflict herewith, 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 any other pertinent staff members discussing and conferring on matters pertaining to:

- 1. Litigation, including potential resolution, of a matter involving the litigation case of Brown & Perkins, LLC vs. City of Broken Arrow et al., Tulsa County District Court Case Number CV-2018-01338, under 25 O.S. §307(B)(4).**
- 2. Litigation, including potential resolution, of a matter involving the litigation case of City of Broken Arrow v. Abatement Systems Inc., Tulsa County District Court Case Number CV-2018-4, 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 claim, 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 _____, _____, at _____
a.m./p.m.

City Clerk