



**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, December 4, 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.     [18-1372](#)       Approval of the Special City Council Meeting Minutes of November 13, 2018
- B.     [18-1133](#)       Approval of the City Council Meeting Minutes of November 20, 2018
- C.     [18-1384](#)       Approval of and authorization to execute Fiscal Year 2019 Budget Amendment No. 3 for additional money for legal services
- D.     [18-1383](#)       Approval of and authorization to execute Fiscal Year 2019 Budget Amendment No. 4 for the purchase of a Digital Fire Training System
- E.     [18-1382](#)       Approval of and authorization to execute Fiscal Year 2018-19 Budget Amendment No. 5 for a Swift Water Rescue Boat that will be paid for by a grant from the Oklahoma Department of Emergency Management
- F.     [18-1369](#)       Approval of and authorization to execute the Amendment No. 1 to Professional Services Agreement with Kleinfelder for the 37th Street Regional Detention Areas- Wetland & Stream Mitigation & Permitting (Project No. SW1312B)
- G.     [18-1350](#)       Approval of and authorization to execute a Promotional License on City Property allowing Ruts N Guts LLC to host the 2018 Ruts N Guts event

- H. [18-1401](#) Approval of and authorization to execute a Fourth Amended Attorney Engagement Agreement between the City of Broken Arrow and Tammy Ewing for providing counsel and legal advice on an as-needed and as-assigned basis, which may include prosecution of Municipal Court cases, representation in State Court litigation and review of contracts and drafting ordinances and other documents
- I. [18-1368](#) Award the lowest responsible bid to Third Generation Electrical, Inc., and approve and authorize execution of a construction contract for the Indian Springs Sports Complex Soccer (ISSC) Field #28 Lighting (Project No. 196023)
- J. [18-1390](#) Approval of authorization to reject all bids for the Firing Range Tower foundation repair and find that rejection of the bids is in the best interest of the Citizens of Broken Arrow (Project No. 193036)
- K. [18-1380](#) Approval of and authorization to issue a temporary sanitary sewer service and connection for the Milestone mixed use project job trailer, located on Callaway lot, east of the proposed site 305 North Main Street, Broken Arrow, Oklahoma
- L. [18-1354](#) Acceptance of a Detention Easement from Pines at the Preserve, LLC on a portion of unplatted property approximately one-quarter mile south of Omaha Street, one-half mile west of 37th Street, shown as Exhibit A (Section 31, T19N, R15E) (Pines at the Preserve Subdivision)
- M. [18-1355](#) Acceptance of a Detention Easement from Pines at the Preserve, LLC on a portion of unplatted property approximately one-quarter mile south of Omaha Street, one-half mile west of 37th Street, shown as Exhibit B (Section 31, T19N, R15E) (Pines at the Preserve Subdivision)
- N. [18-1356](#) Acceptance of a Utility Easement from Pines at the Preserve, LLC on a portion of unplatted property approximately one-quarter mile south of Omaha Street, one-half mile west of 37th Street, shown as Exhibit A (Section 31, T19N, R15E) (Pines at the Preserve Subdivision)
- O. [18-1357](#) Acceptance of a Utility Easement from Pines at the Preserve, LLC on a portion of unplatted property approximately one-quarter mile south of Omaha Street, one-half mile west of 37th Street, shown as Exhibit B (Section 31, T19N, R15E) (Pines at the Preserve Subdivision)
- P. [18-1359](#) Acceptance of a Deed of Dedication from Terry Toomey and Carol Toomey on a portion of unplatted property north and east of the northeast corner of Albany Street and 51st Street (Evans Road), shown as Exhibit B (Section 33, T19N, R14E)

- Q. [18-1358](#) Acceptance of a Utility Easement from Terry Toomey and Carol Toomey on a portion of unplatted property north and east of the northeast corner of Albany Street and 51st Street (Evans Road), shown as Exhibit C (Section 33, T19N, R14E)
- R. [18-1377](#) Approval of (Planned Unit Development) PUD-283 and BAZ-2015 (Rezoning), Dollar General Broken Arrow, 2.00 acres, A-CH to CG, located west of the southwest corner of Aspen Avenue and Omaha Street
- S. [18-1378](#) Approval of PT17-101, Conditional Final Plat, 121 Elm, 1 lot, 1.43 acres, A-1 to CN/PUD-199A, south and west of the southwest corner of Elm Place and Tucson Street
- T. [18-70](#) Approval of the Broken Arrow City Council Claims List for December 04, 2018

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

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

- A. [18-1347](#) Presentation of Service Award Pin to Councilmember Mike Lester

**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. [18-1324](#) Consideration, discussion, and possible appointment of three (3) representatives and one alternate representative to the Indian Nations Council of Governments (INCOG) Board of Directors and one representative and one alternate to the INCOG General Assembly, each for a two-year term beginning in January, 2019

**10. Preview Ordinances - NONE**

**11. Ordinances**

- A. [18-1385](#) Consideration, discussion, and possible adoption of Ordinance No. 3547 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

**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. Possible litigation, including potential resolution, of a matter involving the tort claim of Patricia Smith vs. City of Broken Arrow, and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).**
- 2. A claim, potential litigation or action related to a lawsuit against the manufacturers and distributors of opioid prescription drugs and other potential related defendants, under 25 O.S. §307(B)(4).**
- 3. 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).**
- 4. Litigation, including potential resolution, of a matter involving the litigation case of City of Broken Arrow vs. Nikel Investment, LLC et al., Tulsa County District Court Case Number CJ-2017-1470, 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.

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City Clerk