



## City of Broken Arrow

### Meeting Agenda Broken Arrow City Council

*Mayor Craig Thurmond*

*Vice Mayor Scott Eudey*

*Council Member Johnnie Parks*

*Council Member Debra Wimpee*

*Council Member Christi Gillespie*

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**Tuesday, May 7, 2019**

**6:30 PM**

**Council Chambers  
220 South 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. [19-9](#) Approval of the City Council Meeting Minutes of April 16, 2019
- B. [19-483](#) Accept Planning Commission meeting minutes of March 28, 2019
- C. [19-530](#) Approval of and authorization to execute a renewal with CoreSource, Inc. to provide third party administration for the employee health plan
- D. [19-508](#) Approval of reimbursement of travel expenses for Mayor Craig Thurmond to attend the Tulsa Regional Chamber's Washington DC Fly-In
- E. [19-534](#) Approval to appoint Council member Christi Gillespie to serve as an alternate to the Broken Arrow Public Schools' Redefining Ready Planning Committee
- F. [19-546](#) Approval of and authorization to execute a Proclamation declaring May 18, 2019, as Kids to Parks Day in the City of Broken Arrow
- G. [19-531](#) Approval of and authorization to execute a Proclamation declaring the week of May 5-11, 2019, as Drinking Water Week
- H. [19-528](#) Approval of and authorization to execute a Proclamation declaring the week of May 19-25, 2019, as National Public Works Week
- I. [19-559](#) Approval of and authorization to execute an Agreement for Tax Increment Finance Counsel Services with the Public Finance Law Group, PLLC by and among, the City of Broken Arrow, the Broken Arrow Economic Development Authority and the Public Finance Law Group, PLLC
- J. [19-466](#) Approval of and authorization to execute a Second Amendment to Economic Development Agreement by and among the City of Broken Arrow and B.A. Vespers, L.L.C.
- K. [19-467](#) Approval of and authorization to purchase five (5) 2020 Durango Police Pursuit Vehicles from John Vance Motors, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department
- L. [19-475](#) Approval of and authorization to purchase five (5) Dodge Charger Police Pursuit Vehicles from Bob Howard Dodge, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department

- M. [19-521](#) Award the lowest responsible bid to A & A Asphalt, Inc., and approve and authorize execution of a construction contract for Cold Milling Asphalt Streets
- N. [19-522](#) Award the most advantageous bid to SourceOne and approval of and authorization to execute the Stormwater Grounds Maintenance Agreement
- O. [19-465](#) Notification of City Manager's, Assistant City Manager's, and Department Director's execution of Professional Services Contract with a value of less than \$25,000
- P. [19-481](#) Approval of PT17-106, Conditional Final Plat, Timber Ridge Business Park, 72.02 acres, 9 Lots, A-1 to IL/PUD-259, one-half mile west of Evans Road (225th East Avenue), south of Kenosha Street (71st Street)
- Q. [19-482](#) Approval of PT17-112, Conditional Final Plat, The Estates at Ridgewood, 41.18 acres, 86 Lots, A-1 to RS-3, one-quarter mile north of Houston Street (81st Street), one-quarter mile east of Midway Road (257th East Avenue)
- R. [19-516](#) Approval of SP-292 (Specific Use Permit), Independent School District No. 3 (Broken Arrow Public Schools), 38.734 acres, A-1, located one-half mile north of New Orleans Street (101st Street), one-half mile west of Evans Road (225th East Avenue)
- S. [19-512](#) Approval of and authorization to execute Resolution No. 1212, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 2 for the 23rd Street at 115th Street Sidewalk Improvements, specifically located at 11601 South 193rd East Avenue, Broken Arrow, in the Southwest Quarter of Section 31, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, from the Turner Family Revocable Trust, (Project No. ST1943)
- T. [19-518](#) Approval of and authorization to execute Resolution No. 1214, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 10a, consisting of 0.23 acres of permanent Right-of-Way, a Temporary Construction Easement for parcel 10b consisting of 0.010 acres and a Drainage Easement for Parcel 10c consisting of 0.149 acres for 37th Street Improvements, Albany to Houston, located in the Southeast Quarter of Section 7, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, from Dawson Enterprises, LLC and authorization of payment in the amount of \$10,700.00 for the 37th Street Improvements: Albany to Houston, (Project No. ST1413)
- U. [19-485](#) Acceptance of Temporary Construction Easements consisting of 0.32 acres and 0.65 acres from William and Kathryn Darnell, on property located at 12608 South 185th East Avenue located in part of the Southwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$2,300.00 for the County Line Trunk Sewer Replacement, Parcel 3.1, 3.2 (Project No. S.1609)
- V. [19-497](#) Acceptance of Temporary Construction Easements consisting of 0.77 acres from Jerry L. Woodward, on property located at 13185 South 177th East Avenue located in part of the Northwest Quarter of Section 12, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$5,000.00 for the County Line Trunk Sewer Replacement, Parcel 6.A (Project No. S.1609A)
- W. [19-498](#) Acceptance of Temporary Construction Easements consisting of 0.18 acres and 0.41 acres and 0.05 acres from Margaret E. Crawford, on property located at 12720 South 185th East Avenue located in part of the Southwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$2,000.00 for the County Line Trunk Sewer Replacement, Parcel 2.1, 2.2, 2A.1 (Project

No. S.1609)

- X. [19-472](#) Approval of and authorization of Final Acceptance for the public improvements at Aspen Crossing Patio Homes located at the North East corner of Aspen Avenue and Jasper: Water, Sanitary Sewer; Paving and Stormwater
- Y. [19-473](#) Approval of and authorization of Final Acceptance for the public improvements at Aspen Crossing Phase I located at the North East corner of Aspen Avenue and Jasper
- Z. [19-474](#) Approval of and authorization of Final Acceptance for the public improvement at Goodwill Donation Center located at Kenosha and Evans Road: Paving
- AA. [19-471](#) Approval of and authorization of Final Acceptance for the public improvements at Oak Creek South II located at 23rd Street and Houston Avenue
- AB. [19-470](#) Approval of and authorization of Final Acceptance for the public improvements at Reserve at Aspen Ridge located on Aspen Avenue between Tucson and Jasper
- AC. [18-1432](#) Approval of the Broken Arrow City Council Claims List for May 07, 2019

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

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

- A. [19-417](#) Presentation, discussion, and possible acceptance of the 2019 Broken Arrow Youth City Council's Big Idea: Gateway Beautification
- B. [19-418](#) Presentation by the Broken Arrow Youth City Council on the 2019 Congressional City Conference, and recognition of Youth City Council Members and presentation of certificates
- C. [19-409](#) Presentation of Local Technical Assistance Program (LTAP) Road Scholar Certificates to Streets and Stormwater employees Shawn Edwards, Nikolas Moler, John Terry, Jonathan Brown and Will Remington
- D. [19-479](#) Presentation of an annual report by representatives of Cox Communications, a cable service provider with a Non-Exclusive Franchise with the City of Broken Arrow, and regarding the services provided by Cox and operation of cable system
- E. [19-524](#) Presentation, consideration, discussion and acceptance of the City of Broken Arrow Annual Financial Statements, Single Audit Report and the Independent Auditors Report for Fiscal Year 2017-2018
- F. [19-544](#) Presentation and possible discussion regarding Tax Increment Financing (TIF) Districts and a proposed project area, Creek 51 Business Park, located near West of the Creek Turnpike, South of Highway 51

#### **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. [19-489](#) Consideration, discussion, and possible approval of and authorization for Mayor Craig Thurmond to execute a letter supporting the City of Broken Arrow application for Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant funds for 23rd Street (Project ST0914)
- B. [19-352](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1188, a Resolution of Necessity to Condemn Property that is generally located at 11406 South 193rd East Avenue, Broken Arrow, in the Northeast Quarter of Section 36, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer Replacement, (Project No. S.1609)

- C. [19-484](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1211, a Resolution of Necessity to Condemn Property generally located at 13600 S 177th East Avenue, Broken Arrow, in the Southwest Quarter of Section 12, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer Replacement, (Project No. S.1609A)
- D. [19-517](#) Consideration, discussion, and possible direction to Staff to continue discussions and negotiations for the possible approval of the Mission 22 War at Home Memorial
- E. [19-506](#) Consideration, discussion, and possible appointment of Davis Robson to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2019 and expiring May 31, 2022
- F. [19-507](#) Consideration, discussion, and possible reappointment of Jim Beavers to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2019 and expiring May 31, 2022
- G. [19-515](#) Consideration, discussion, and possible approval of the nomination and appointment of Rob Whitlock to the City of Broken Arrow Board of Adjustment to fulfill and unexpired term expiring May 1, 2020
- H. [19-540](#) Consideration, discussion, possible approval of and authorization to execute a Settlement Agreement and a Mutual Access Easement Agreement with Joyce Summers regarding property located at 100 East Kansas Street in the City of Broken Arrow, Tulsa County; acceptance of an Easement for Access to Property consisting of 0.084 acres on said property from Joyce Summers; authorization for payment in the amount of \$5,347
- I. [19-406](#) Consideration, discussion, and possible appointment of two (2) Trustees to the Oklahoma Municipal Assurance Group Board and approval of and authorization for the Mayor to execute the official ballot casting votes for the two (2) Trustee appointments with three year terms commencing July 1, 2019
- J. [19-558](#) Consideration, discussion, and possible approval of and authorization to publish a Notice of Availability of Annual Audit for Fiscal Year 2017-2018

#### **10. Preview Ordinances**

- A. [19-496](#) Consideration, discussion, and possible preview of an Ordinance for a Utility Easement Closure from Linda Philpott, on property located one-quarter mile south of Florence Street (111th Street), one-quarter mile west of Elm Place (161st East Avenue), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E)(Windsor Estates)

#### **11. Ordinances**

- A. [19-449](#) Consideration, discussion, and possible adoption of Ordinance No. 3568, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD-264, generally located on the northeast corner of Tucson Street (121st Street) and 9th Street (177th East Avenue), granting PUD-264 zoning classification be placed upon the tract, 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. Discussing the purchase and appraisal of real property located at 1117 S. Main, Broken Arrow, OK., and taking appropriate action in open session, including making an offer of purchase, under 25 O.S. §307(B)(3);**
- 2. Discussing the purchase and appraisal of real property located at 1944 S. Main, Broken Arrow, OK., and taking appropriate action in open session, including making an offer of purchase, under 25 O.S. §307(B)(3);**
- 3. Litigation, including potential resolution, of a matter involving the tort claim of Angela Abercrombie 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).**
- 4. Potential claims, litigation or actions related to a matter involving litigation titled Forest Ridge Homeowner's Inc. v. Marilyn A. Enochs, Wagoner County District Court, Case No. CJ-2017-184 and other related litigation; under 25 O.S. §307(B)(4).**

**In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary for discussing the purchase and appraisal of real property and to process the potential claims, litigation or actions 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

