



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

Tuesday, May 21, 2019

6:30 PM

Council Chambers
220 South 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. [19-10](#) Approval of the City Council Meeting Minutes of May 7, 2019
- B. [19-608](#) Accept Planning Commission meeting minutes of April 11, 2019
- C. [19-609](#) Accept Planning Commission meeting minutes of April 25, 2019
- D. [19-596](#) Ratification of increased funding amount for Tulsa County Urban County Community Development Block Grant (CDBG) Application for FY2019
- E. [19-606](#) Approval of and authorization to execute Resolution No. 1223, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
- F. [19-532](#) Approval of and authorization to execute a Promotional License on City Property between the City of Broken Arrow and Arts OK of Broken Arrow, Inc. to host the 2019 Chalk It Up event
- G. [19-533](#) Approval of and authorization to execute a Promotional License on City Property between the City of Broken Arrow and Keep Broken Arrow Beautiful, LLC to host the 2019 Rose Festival
- H. [19-583](#) Approval of and authorization to execute Professional Services Contract with Geodeca, LLC for providing professional surveying and related support services for the design of Houston Street widening from Aspen Avenue to Elm Place (Project No. ST1944)

- I. [19-582](#) Approval of and authorization to execute a Professional Services Agreement with Cowan Group Engineering, LLC, for design of Stone Ridge Towne Center Drainage Improvements (Project No. SW 1910)
- J. [19-607](#) Approval of and authorization to execute Change Order CO2 for Construction Contract 171703; Tiger Hill Soldier Pile Retaining Wall
- K. [19-585](#) Award the lowest responsible bid to Cherokee Pride Construction, Inc. and approve and authorize execution of a construction contract for Portland Cement Concrete Street Repair
- L. [19-573](#) Approval of SP-293 (Specific Use Permit), Independent School District No. 9 (Union Public Schools, Anderson Elementary), 5.568 acres, R-2, located one-half mile south of Houston Street (81st Street), one-half mile west of Olive Avenue (129th E. Avenue)
- M. [19-574](#) Approval of SP-295 (Specific Use Permit), Independent School District No. 9 (Union Public Schools, Moore Elementary), 11.95 acres, Single-Family Residential (R-1), located south and east of the southeast corner of Kenosha Street (71st Street) and Garnett Road (113th E. Avenue)
- N. [19-571](#) Approval of SP-232A (Specific Use Permit), Independent School District No. 9 (Union Public Schools, McAuliffe Elementary), 9.64 acres, Residential Multi-Family (RM)/Single-Family Residential (R-3), located one-quarter mile north of Kenosha Street (71st Street), east of Garnett Road (113th E. Avenue)
- O. [19-565](#) Approval of (Rezoning) BAZ-2026, Wolber Personal Home, 0.18 acres, Downtown Mixed-Use (DM) to Downtown Fringe (DF), one-eighth mile north of Houston Street (81st Street), one-third mile south of Houston Street (81st Street), one-half mile east of Elm Place (161st East Avenue) on the northeast corner of Jackson Street and Main Street
- P. [19-575](#) Approval of PT03-125A, Conditional Final Plat, Johanna Woods II, 5.0183 acres, 25 Lots, Agricultural (A-1) to (Planned Unit Development) PUD-30C/Residential Mobile Home (RMH) via (Rezoning) BAZ-2001, located south of Omaha Street (51st Street), one-half mile east of 23rd Street (193rd E. Avenue)
- Q. [19-586](#) Approval of and authorization to execute Resolution No. 1217, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 3, which consists of 0.0282 acres of permanent Right-of-Way for the Broken Arrow Creek Trail located at 4029 South Ash Avenue, Broken Arrow in the Northwest Quarter of Section 26, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Matt and Stephanie Cox and authorization of payment in the amount of \$9,400.00 for the Broken Arrow Creek Trail, Phase 1, Parcel 3. (Project No. 146020)
- R. [19-592](#) Approval of and authorization to execute Resolution No. 1219, a

Resolution authorizing acceptance of a General Warranty Deed for Parcel 1, which consists of 0.0027 acres of permanent Right-of-Way for the Old Town Streets, Ash Avenue Rehabilitation: Dallas to College, generally located on Ash Avenue south of Dallas, Broken Arrow in the Southwest Quarter of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from AVB Bank for Old Town Streets, Parcel 1. (Project No. ST1711)

- S. [19-590](#) Approval of and authorization to execute Resolution No. 1220, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 1.2, which consists of 0.2194 acres of permanent Right-of-Way located at the northeast corner of Washington and Garnett in the Southwest Quarter of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from RCB Bank, the owner, for the Washington Street Improvements: Garnett to Olive, Parcel 1.2 (Project No. ST1616)
- T. [19-591](#) Approval of and authorization to execute Resolution No. 1221, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 2, which consists of 0.0022 acres of permanent Right-of-Way for the Old Town Streets, Ash Avenue Rehabilitation: Dallas to College, generally located on Ash Avenue south of Dallas, Broken Arrow in the Southwest Quarter of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from AVB Bank for Old Town Streets, Parcel 2. (Project No. ST1711)
- U. [19-593](#) Acceptance of a Trail/Sidewalk Easement from Armory, LLC on a portion of unplatted property approximately one-quarter mile west of 9th Street (Lynn Lane), one-quarter mile south of 91st Street (Washington Street), shown as Exhibit A (Section 23, T18N, R14E) (Washington Lane)
- V. [19-568](#) Acceptance of a Utility Easement from Armory, LLC on a portion of unplatted property approximately one-quarter mile west of 9th Street (Lynn Lane), one-third mile south of 91st Street (Washington Street), shown as Exhibit A (Section 23, T18N, R14E) (Washington Lane)
- W. [18-1435](#) Approval of the Broken Arrow City Council Claims List for May 21, 2019

6. Consideration of Items Removed from Consent Agenda

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

- A. [19-572](#) Presentation to and recognition of Officer Patrick Chernisky from the Tulsa Area Safe Kids Coalition as the 2019 Metro Technician of the Year.

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. [19-597](#) Consideration, discussion, and possible approval of and authorization to execute the Fiscal Year 2019-20 Labor Agreement with the Fraternal Order

of Police Lodge #170

- B. [19-602](#) Consideration, discussion, and possible action regarding setting a hearing date for an appeal of the Planning Commission decision on PUD-288 (Planned Unit Development) and BAZ-2024 (Rezoning), Village at 1Eleven, 28.95 acres, Agricultural (A-1) to Community Mixed-Use (CM) and RS-4 (Single-Family Residential)/ PUD-288 (Planned Unit Development), located at the northwest corner of Florence Street (111th Street) and Aspen Avenue (145th E Avenue)
- C. [19-513](#) Consideration, discussion, and possible approval of PUD-289 (Planned Unit Development) and BAZ-2025 (Rezoning), Harvest Center, 75.03 acres, A-1 (Agricultural) to PUD-289 (Planned Unit Development)/IL (Industrial Light), located one-half mile north of Houston Street (81st Street), west of 23rd Street (County Line Road)
- D. [19-600](#) Consideration, discussion, and possible repeal of the policy for nominating individuals to the City of Broken Arrow Planning Commission and Board of Adjustment
- E. [19-605](#) Consideration, discussion and possible appointment of one representative of the Broken Arrow Planning Commission to the Creek 51 TIF Review Committee, appoint one representative of the Broken Arrow City Council who will serve as chairperson of the Review Committee and possible approval of a Resolution, Resolution No. 1224, declaring the intent to consider approval of a project and creation of a tax increment district under the local development act; directing preparation of a project plan; appointing a review committee; directing the review committee to make findings as to eligibility and financial impact, if any, on taxing jurisdictions within the district; directing the review committee to make a recommendation with respect to the proposed project plan; directing the planning commission to make a recommendation with respect to the proposed project plan; and containing other provisions relating thereto
- F. [19-595](#) Consideration, discussion and possible ratification of a Lease Agreement between the City of Broken Arrow and Big Sky 40 Corporation for the lease by Big Sky 40 of real property located at 7500 Old Highway 51, Broken Arrow
- G. [19-598](#) Consideration, discussion and possible approval of Resolution No. 1216, a Resolution authorizing the City Attorney to enter into a final Journal Entry of Judgment in the case of Broken Arrow Economic Development Authority v. The City of Broken Arrow, et al., Tulsa County District Court Case Number CV-2019-0577, authorizing the foreclosure of a portion of a closed alleyway located within Block Eighteen, Original Town of Broken Arrow

10. Preview Ordinances

- A. [19-577](#) Consideration, discussion, and possible preview of an Ordinance amending Chapter 26- Emergency Medical Services; adding section 26-11, Establishment of an outside of the city fire subscription program, Section 26-12, Out of the city fire subscription program and fees, Section 26-13, Nonparticipation Election, Section 26-14, Collection of fire subscription program fees, Section 26-15, Persons not covered by the fire subscription program, Section 26-16, insurance provision, subrogation, and assignment, Section 26-17, limitation of obligation of city, repealing all ordinances to the contrary; and declaring an emergency
- B. [19-601](#) Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code of Ordinances, Appendix A - Zoning Ordinance, Chapter 7, Review and Decision-Making Entities, Section 7.4, Board of Adjustment, specifically clarifying the nomination process for Board Members; repealing all ordinances to the contrary; and declaring an emergency
- C. [19-604](#) Consideration, discussion and possible approval of an ordinance amending Chapter 10, Fire Prevention and Protection, Article I, In General, Section 10.3, Manufacture, Sale, Use, Etc., of fireworks, of The Broken Arrow Code Of Ordinances; repealing all ordinances to the contrary; and declaring an emergency
- D. [19-628](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 6, Buildings and Building Regulations, Article I, General, Section 6-2, Building Inspection Division of Department Services Department and Building Inspector Generally, Section 6-6, Street Addresses of Buildings, 6-8, Toilet facilities, Section 6-22- Local Registration of General Contractors, specifically changing the name of Development Services Department to the Department of Community Development and Inspection Division to Neighborhood Engagement, repealing all ordinances to the contrary; and declaring an emergency
- E. [19-630](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 5, Animals, Article 1, In General, Section 5-6, Dog/Cat License Fee, Registration And Tag Generally, specifically changing the name of One Stop Center to Community Permitting Division and repealing all ordinances to the contrary; and declaring an emergency
- F. [19-624](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances Chapter 12, Garbage and other Refuse, Article I, In General, Section 12-3, Right to Engage in Business of Collecting, Hauling, Etc.; specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency

- G. [19-625](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances Chapter 15, Nuisances, Article I, In General, Section 15-1, Nuisance Code, Section 15-7, Emergency Abatement, Section 15-45, Amendments, specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency
- H. [19-626](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances Article VI, Water Service Charges and Rates, Chapter 24, Water, Sewer and Sewage Disposal, Section 24.602, Service Tap Charge; specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency
- I. [19-627](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Appendix A - Zoning Ordinance, Chapter 6, Review and Approval Procedures, Section 6.3, Amendments, Section 6.4, Planned Units Development, Section 6.6, Site Plan Review, Section 6.11, Building Permits, specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency
- J. [19-618](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Appendix A - Zoning Ordinance, Chapter 3, Use Regulations, Section 3.4, Temporary Uses Of Structures; specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency
- K. [19-620](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Appendix A - Zoning Ordinance, Chapter 5, Development Standards, Section 5.9, Telecommunication Facilities; specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency
- L. [19-621](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances Chapter 7, Business Regulations and Licenses, Article I, In General, Section 7-12, Mobile Food Vendors, Section 7-120, Applications; Article VI- Massage Establishments, Section 7-126, Revocation and Suspension, Article XIII- Moving of Buildings or Oversized Loads, Section 7-301, Oversized load mover's license, Section 7-320, Oversized load authorization to move, specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency

- M. [19-622](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances Chapter 8, Cemeteries, Article II, Park Grove Cemetery, Section 8-22, Charges For Sale Of Lots And Spaces and For Services; specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency
- N. [19-623](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances Chapter 10, Fire Prevention And Protection, Article IV, Explosives, Section 10-76, Discharge Of Class 2 Explosives; Blasting Operations, Section 10-78.1, Definitions, Section 10-78.3, Blasting Permits; specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency
- O. [19-616](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances Chapter 2, Administration, Article IX- Employee Rules and Regulations, Section 2-165, Department Director Evaluation, Section 2-200, Established; Appointment Duties; specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency
- P. [19-615](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Appendix A - Zoning Ordinance, Chapter 3, Use Regulations, Section 3.4, Temporary Uses Of Structures; specifically changing the name of Development Services Department to the Department of Community Development, repealing all ordinances to the contrary; and declaring an emergency

11. Ordinances

- A. [19-448](#) Consideration, discussion, and possible adoption of Ordinance No. 3567, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1993, generally located one-quarter mile north of Jasper Street (131st Street), west of Aspen Avenue (145th East Avenue), granting a RS-3 zoning classification be placed upon the tract along with PUD-269, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. [19-570](#) Consideration, discussion, and possible adoption of Ordinance No. 3569, an ordinance closing a portion of a utility easement 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); repealing all ordinances to the contrary; and declaring an emergency (Windsor Estates)

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 5/21/19

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:

Litigation, including potential resolution, of a matter involving the litigation case of City of Broken Arrow v. CWP, Inc., et al., Wagoner County District Court Case Number CV-2018-114, 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