



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

Monday, June 17, 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. [19-12](#) Approval of the City Council Meeting Minutes of June 3, 2019
- B. [19-767](#) Approval of the City Council Emergency Meeting Minutes of June 7, 2019
- C. [19-743](#) Approval of the Payroll and Benefit Calendar for Fiscal Year 2019-2020
- D. [19-768](#) Approval of and authorization to execute Budget Amendment Number 8 for Fiscal Year 2019
- E. [19-765](#) Approval of and authorization to repeal the 2005 City of Broken Arrow Annexation Policy and Procedure Manual
- F. [19-714](#) Approval of and authorization to execute the Exacom Refresh contract and Budget Amendment #7 for transfer of fund - Exacom Refresh Project
- G. [19-798](#) Approval of and authorization to execute a Second Renewal and Amendment to City of Broken Arrow Golf Course Professional Management Services Agreement with Greenway Golf Partners, LLC. on City Owned Land known as the Battle Creek Golf Course
- H. [19-745](#) Approval of and authorization to execute a proposal with United States Fire Insurance Company to provide specific and aggregate re-insurance coverage for the employee health plan for fiscal year 2019-20
- I. [19-737](#) Approval of and authorization to purchase the Fiscal Year 2019-20 Property and General Liability coverage policy with Oklahoma Municipal Assurance Group for the city-owned building occupied by Bass Pro Shops
- J. [19-738](#) Approval of and authorization to purchase the Fiscal Year 2019-20 Battle Creek Golf Course Business Insurance Policy with Central Insurance Companies
- K. [19-739](#) Approval of and authorization to execute the purchase of the Fiscal Year 2019-20 Citywide Property Insurance Policies with the Oklahoma Municipal Assurance Group and Chubb Insurance
- L. [19-784](#) Approval of and authorization to execute a Professional Transportation Services Contract with the Metropolitan Tulsa Transit Authority (Tulsa Transit) to provide public

transportation services for Fiscal Year 2019-20

- M. [19-730](#) Award the most advantageous bid to Admiral Express for the purchase of office supplies on a City wide basis
- N. [19-720](#) Award the most advantageous bid to Southwest Trailers & Equipment for the purchase of one (1) Monroe LDS333-250 Pre-Wet System for the Streets and Stormwater Department
- O. [19-748](#) Award the most advantageous bid to Storey Wrecker, and approve and authorize execution of a contract for wrecker services
- P. [19-774](#) Award the lowest responsible bid to Cherokee Pride Construction, Inc. and approve and authorize execution of a construction contract for the Concrete Panel Replacement Street Repairs at Various Locations (Project No. ST1910, ST1912, ST1917, ST1918, ST1919 & ST1920)
- Q. [19-773](#) Approval of and authorization to execute Resolution No. 1227, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 2, which consists of 0.012 acres of permanent Right-of-Way for the Olive Avenue Waterline, Tucson to New Orleans generally located on Olive between Tucson and Florence in the Southeast Quarter of Section 32, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from The Swindell Family Living Trust and authorization of payment in the amount of \$5,800.00 for the Olive Waterline, Tucson to New Orleans, Parcel 2. (Project No. WL1610)
- R. [19-777](#) Approval of and authorization to execute Resolution No. 1228, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 3, which consists of 0.012 acres of permanent Right-of-Way for the Olive Avenue Waterline, Tucson to New Orleans generally located on Olive between Tucson and Florence in the Southeast Quarter of Section 32, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Robert H. Johnson, LLC, an Oklahoma limited liability company and authorization of payment in the amount of \$6,120.00 for the Olive Waterline, Tucson to New Orleans, Parcel 3. (Project No. WL1610)
- S. [19-776](#) Approval of and authorization to execute Resolution No. 1229, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 1, which consists of 0.75 acres of permanent Right-of-Way for the Olive Avenue Waterline, Tucson to New Orleans located at the Northwest corner of Olive and Tucson in the Southeast Quarter of Section 32, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Sanford Properties, Ltd., Gordona A. Duca, and Avonna Xylta Dee Hausam, the owners, and authorization of payment in the amount of \$28,000.00 for the Olive Waterline, Tucson to New Orleans, Parcel 1. (Project No. WL1610)
- T. [19-778](#) Approval of and authorization to execute Resolution No. 1233, a Resolution authorizing the acceptance of a Special Warranty Deed for Parcel 2A, consisting of 0.97 acres of permanent Right-of-Way for 37th Street Improvements, Albany to Houston, located in the Northeast Quarter of Section 6, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, from The Betty Ann Mockley 1992 Revocable Trust Dated October 20, 1992 and Robert E. Mockley II and authorization of payment in the amount of \$28,200.00 for the 37th Street Improvements: Albany to Houston, Parcel 2A, (Project No. ST1413)
- U. [19-771](#) Approval of and authorization to execute Resolution No. 1234, a Resolution authorizing the acceptance of a Special Warranty Deed for Parcel 3A, consisting of 0.989 acres of permanent Right-of-Way for 37th Street Improvements, Albany to Houston, located in the

Northeast Quarter of Section 6, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, from The Betty Ann Mockley 1992 Revocable Trust Dated October 20, 1992 and Robert E. Mockley II and authorization of payment in the amount of \$28,700.00 for the 37th Street Improvements: Albany to Houston, Parcel 3A, (Project No. ST1413)

- V. [19-781](#) Approval of and authorization to execute Resolution No. 1239, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 9.0, which consists of 0.0616 acres of permanent Right-of-Way and Parcel 9.1 which consists of 0.0138 acres of Temporary Construction Easement for the Broken Arrow Creek Trail located at Northwest corner of First Place and New Orleans, Broken Arrow in the Southwest Quarter of Section 23, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Roland Investments, Ltd. and authorization of payment in the amount of \$9,525.00 for the Broken Arrow Creek Trail, Phase 1, Parcel 9.0, 9.1. (Project No. 146020)
- W. [19-782](#) Approval of and authorization to execute Resolution No. 1243 a Resolution authorizing acceptance of a Corrected General Warranty Deed for Parcel 7, which consists of 0.03 acres of permanent Right-of-Way for Washington Street Improvements, Garnett to Olive, in the Southwest Quarter of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Lisa M. Winham, Parcel 7 (Project No. ST1616)
- X. [19-787](#) Approval of and authorization to execute Resolution No. 1245, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 1.0, which consists of 0.0214 acres of permanent Right-of-Way and Temporary Construction Easement for Parcel 1.1 which consists of 0.0308 acres for the Old Town Streets, Ash Avenue and College Rehabilitation, generally located 121 W College Street, Broken Arrow in Lot 5, Block 35, "ORIGINAL TOWN OF BROKEN ARROW" a part of the West Half of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from BA Vesper, LLC, for Old Town Streets, Parcel 1.0, 1.1. (Project No. ST1711)
- Y. [19-788](#) Approval of and authorization to execute Resolution No. 1246, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 5, which consists of 0.0332 acres of permanent Right-of-Way for the Broken Arrow Creek Trail located at 4021 South Ash Avenue, Broken Arrow in the Northwest Quarter of Section 26, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Douglas and Jaylene Farry and authorization of payment in the amount of \$9,150.00 for the Broken Arrow Creek Trail, Phase 1, Parcel 5. (Project No. 146020)
- Z. [19-759](#) Acceptance of a Utility Easement from Cathleen Doyle on a portion of a 3.1-acre unplatted property approximately one-half mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd E. Avenue/County Line Road), shown as Plat of Survey, Tulsa County, State of Oklahoma (Section 24, T18N, R14E)
- AA. [19-761](#) Acceptance of a Utility Easement from Cathleen Doyle on a portion of a 2.0-acre unplatted property approximately one-half mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd E. Avenue/County Line Road), shown as Plat of Survey, Tulsa County, State of Oklahoma (Section 24, T18N, R14E)
- AB. [19-658](#) Acceptance of a Utility Easement from BA Corner, LLC on a portion of unplatted property approximately one-quarter mile east of Aspen Avenue (145th East Avenue), north of Tucson Street (121st Street South), shown as Exhibit A (Section 34, T18N, R14E) (BA Corner)
- AC. [19-791](#) Acceptance of a Utility Easement and Temporary Construction Easement for Parcel 19, 19.1, located in the Northeast Quarter of Section 36, Township 18 North, Range 14 East,

Tulsa County, State of Oklahoma, from the SF Properties, LLC, authorizing payment in the amount of \$7,660.00 for the for the County Line Trunk Sewer Replacement, Parcel 19, 19.1 (Project No. S.1609)

- AD.** [19-792](#) Acceptance of a Utility Easement and Temporary Construction Easement for Parcel 20, 20.1, located in the Southeast Quarter of Section 25, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the Snead Family 2010, LLC, authorizing payment in the amount of \$44,060.00 for the for the County Line Trunk Sewer Replacement, Parcel 20, 20.1 (Project No. S.1609)
- AE.** [19-772](#) Acceptance of Temporary Construction Easements consisting of 1.39 acres and 0.67 acres from William B. Rogers, on property located at the Southeast Quarter of Section 36, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$2,700.00 for the County Line Trunk Sewer Replacement, Parcel 11.1, 11.2 (Project No. S.1609)
- AF.** [19-749](#) Acceptance of a Deed of Dedication from Stonetown Johanna Woods, LLC on a portion of unplatted property approximately one-half mile east of 23rd Street (193rd E. Avenue/County Line Road), south of Omaha Street (51st Street), shown as Exhibit A, Wagoner County, State of Oklahoma (Section 31, T19N, R15E)
- AG** [19-718](#) Approval of BAZ-2027, Callaway Project, 7.03 acres, A-1 (Agricultural) to RD (Residential Duplex), one-eighth mile south of Jasper Street (131st Street), east of Olive Avenue (129th E. Avenue)
- AH.** [19-719](#) Approval of BAZ-2028, Callaway Parking Lot, 0.72 acres, DROD Area 5 (Downtown Residential Overlay)/R-3 (Single-Family Residential), ON (Office Neighborhood), and PUD-242 (Planned Unit Development) to DROD Area 5 (Downtown Residential Overlay)/ON (Office Neighborhood), on the northeast corner of Detroit Street and First Street
- AI.** [19-754](#) Approval of BAZ-2029, Doyle Rezoning, 5.10 acres, A-R-E (Annexed- Residential Estate) to RE (Residential Estate), one-third mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd E. Avenue/County Line Road)
- AJ.** [19-731](#) Approval of PT19-100, Conditional Final Plat, Broken Arrow Public Schools, Elementary No. 16, 1 lot, 38.734 acres, A-1, one-half mile north of New Orleans Street, one-half mile west of 51st Street (Evans Road/225th E. Avenue)
- AK.** [19-732](#) Approval of PUD-161H (Planned Unit Development, Major Amendment), Savvy Swimmers, 0.87 acres, PUD-161/CG (Commercial General), located one-eighth mile east of Olive Avenue (129th E. Avenue), north Kenosha Street (71st Street)
- AL.** [19-799](#) Approval of and authorization to place temporary directional signs at designated Rights-of-Way for the 2019 Parade of Homes starting June 17, 2019 and removal no later than June 26, 2019; Signs may not be placed in site triangles nor obstruct vehicular or pedestrian traffic flow
- AM** [18-1441](#) Approval of the Broken Arrow City Council Claims List for June 17, 2019

6. Consideration of Items Removed from Consent Agenda

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

- A.** [19-645](#) Presentation by the Mayor of the Carnegie Medal of Honor to Broken Arrow Citizen Kali Allen

- B. [19-806](#) Presentation and discussion of the Scope of Services for a Transit Study presented by Tulsa Transit and possible approval and authorization for the City Manager to execute an agreement with Tulsa Transit for the Transit Study
- C. [19-724](#) A public hearing and consideration, discussion, and possible action regarding PUD-288 (Planned Unit Development) and BAZ-2024 (Rezoning), Village at 1Eleven, 28.95 acres, A-1 (Agricultural) to CM (Community Mixed-Use) 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)

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. [19-786](#) Consideration, discussion, and possible approval and direction to publish a Legal Notice of Annexation for the voluntary annexation of approximately 1,240 acres located South of Dearborn Street (41st), East of 51st Street (Evans Road / 225th East Avenue) within all of Section 28, Township 19 North, Range 15 East and parts of Section 27, Township 19 North, Range 15 East and parts of Section 33, Township 19 North, Range 15 East and parts of Section 4, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma
- B. [19-780](#) Consideration, discussion and possible award of the lowest responsible bid to Diversified Civil Contractors, LLC and approve and authorize execution of a construction contract for the Downtown Main Street Streetscapes - Phase V (Project No. ST1820)
- C. [19-735](#) Consideration, discussion, and possible approval of Resolution No. 1204, a Resolution of the Broken Arrow City Council adopting the Fiscal Year 2019-2020 Annual Budget for the City in accordance with the provision of the Municipal Budget Act
- D. [19-733](#) Consideration, discussion, and possible approval of Resolution No. 1241, a Resolution approving the Fiscal Year 2020 Manual of Fees, establishing fees costs charged by the City of Broken Arrow: authorizing the periodic adjustment and waiver of fees by the City Manager; providing an effective date of October 1, 2019
- E. [19-756](#) Consideration, discussion and possible approval of Resolution No. 1240, a Resolution of Necessity to file a Small Claims action against Deep LLC-Luxury Inn & Suites located at 1401 N. Elm Pl Broken Arrow OK 74012 74012 for failure to report and or pay Hotel Occupancy Tax owing for the period of December 2016 through March 2019
- F. [19-760](#) Consideration, discussion and possible approval of Resolution No. 1249, a Resolution of Necessity to file a Small Claims action against Pride Hospitality LLC, - LaQuinta Inn and Suites, located at 451 W Albany St. Broken Arrow, OK 74012 for failure to report and or pay Hotel Occupancy Tax owing for the period of March 2019 and April 2019
- G. [19-805](#) Consideration, discussion and possible approval of Resolution No. 1250, a Resolution of the Broken Arrow City Council declaring an emergency as a result of a sanitary sewer trunk line break resulting in a collapsed junction manhole for the Broken Arrow Creek trunk sewer and the County Line trunk sewer east of South 177th East Ave and north of Jasper Street (131st Street); 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; providing for the termination and extension of the provisions of this resolution; and directing the City Manager to carry out all applicable provisions

- H. [19-801](#) Consideration, discussion and possible approval of Resolution No. 1248, a Resolution authorizing the City Attorney to defend Marque Baldwin in the civil action Ellsworth vs. The City of Broken Arrow et al, Case No. 19-CV-34TCKFHM in the United States District Court for the Northern District of Oklahoma
- I. [19-800](#) Consideration, discussion, and possible approval of Resolution No. 1242, a Resolution authorizing the City Attorney to agree to Entry of Judgment in the case of City of Broken Arrow, Oklahoma v. Abatement Systems, Inc., Wagoner County District Court Case No. CV-18-4 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Courts approval and declaring the necessity to condemn property located in the NW/4 of the SW/4 of Section 7, T-18-N, R-15-E of Indian Meridian, Wagoner County, State of Oklahoma
- J. [19-793](#) Consideration, discussion, and possible action regarding the Public Hearing Officer's decision on June 6, 2019 to declare 1907 West Pittsburg Place, Broken Arrow, Oklahoma 74012; Stacey Lynn Fifth Lot 8 Block 13, Tulsa County, as a public nuisance and authorization to abate the property; Case No. 19-1003329
- K. [19-796](#) Consideration, discussion, and possible action regarding the Public Hearing Officer's decision on June 6, 2019 to declare 1911 West Pittsburg Place, Broken Arrow, Oklahoma 74012; Stacey Lynn Fifth Lot 7 Block 13, Tulsa County, as a public nuisance and possible authorization to abate the property; Case No. 19-10033230

10. Preview Ordinances

- A. [19-744](#) Consideration, discussion and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Appendix A – Chapter 5, Development Standards, Section 5.7, Signs, specifically amending the purpose and intent of the Sign Ordinance, bringing the Ordinance into compliance with federal law, establishing criteria for digital signs, amending the criteria for signs in Areas 5 and 6 of the Downtown Residential Overlay District, allowing and establishing criteria for commercial signs in Area 7 of the Downtown Residential Overlay District, and adding sections for pole signs, sandwich board signs, signs for educational institutions, and a Definitions section; repealing all ordinances or parts of ordinances in conflict herewith.

11. Ordinances

- A. [19-742](#) Consideration, discussion, and possible adoption of Ordinance No. 3585 closing a portion of Right-of-Way on property located one-eighth mile south of New Orleans Street (101st Street), one-third mile east of 9th Street (Lynn Lane Road), Tulsa County, State of Oklahoma, (Section 25, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency (Seven Oaks South)

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 other pertinent staff members discussing and conferring on matters pertaining to:

- 1. Workers' Compensation Court Case, Michael Shaw v. City of Broken Arrow, Case No. CM2014-11643R; to include updating the City Council, potential resolution of the pending Workers' Compensation claim, and taking appropriate action in open session, including possible authorization to settle this litigation under 25 O.S. § 307(B)(4);**
- 2. Workers' Compensation Court Case, Michael Shaw v. City of Broken Arrow, Case No. CM2014-09503H; to include updating the City Council, potential resolution of the pending Workers' Compensation claim and taking appropriate action in open session, including possible authorization to settle this litigation under 25 O.S. § 307(B)(4);**
- 3. Litigation, including potential resolution, of a matter involving the tort claim of Lamont Tharps 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. Litigation, including potential resolution or appeal of a matter involving the pending litigation matter of City of Broken Arrow v. B-Z Properties, Case No. CV-2018-21 in the District Court of Wagoner county, and taking appropriate action in open session, including possible authorization to settle this litigation under 25 O.S. §307(B)(4);**
- 5. Litigation, including potential resolution, of a matter involving the litigation case of City of Broken Arrow v. Joe H. Wilson and Rebecca J. Wilson, et al., Tulsa County District Court Case Number CJ-2019-182, under 25 O.S. §307(B)(4).**
- 6. Litigation, including potential resolution of a matter involving the pending litigation matter of City of Broken Arrow v. Abatement Systems Inc., Case No. CV-18-4 in the District Court of Wagoner County, and taking appropriate action in open session, including possible authorization to settle this litigation under 25 O.S. § 370(B)(4).**

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claims, litigation and possible litigation in the public interest and the purchase and appraisal of real property in accordance with State Statute. 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