



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, July 16, 2019

6:30 PM

**Council Chambers
220 South 1st Street
Broken Arrow, OK**

AMENDED

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
 - A. [19-831](#) Acknowledgement of upcoming out-of-state travel by City Council members
 - B. [19-13](#) Approval of the City Council Meeting Minutes of June 17, 2019
 - C. [18-1447](#) Approval of the Joint Work Session City Council and Planning Commission Meeting Minutes of June 20, 2019
 - D. [19-854](#) Approval of the Special City Council Meeting Minutes of June 20, 2019
 - E. [19-863](#) Approval of the City Council Special Meeting Minutes of July 5, 2019
 - F. [19-740](#) Accept Planning Commission meeting minutes of May 9, 2019
 - G. [19-741](#) Accept Planning Commission meeting minutes of May 23, 2019
 - H. [19-809](#) Approval of and authorization to declare Ryker, a police canine, as surplus obsolete property and retiring said canine to his handler, Corporal Robert Motley, effective July 17, 2019
 - I. [19-833](#) Approval of and authorization to execute a Professional Services Agreement with Kivell, Rayment & Francis, P.C. for providing counsel and legal advice regarding right-of-way acquisitions, title opinions and property law
 - J. [19-836](#) Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Wood, Puhl & Wood, P.L.L.C., for providing counsel and legal advice to the City of Broken Arrow and the Broken Arrow Police Department relative to the case of Wilson v. City of Broken Arrow, et al. Case No. CJ-2017-1521, risk management and the defense of civil cases filed against the City and member of the Police Department
 - K. [19-838](#) Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Doerner, Saunders, Daniel & Anderson, L.L.P. for providing counsel and legal advice regarding employment, labor issues and to review daily court filings
 - L. [19-844](#) Approval of and authorization to execute a Professional Services Agreement with Doerner, Saunders, Daniel & Anderson, L.L.P., for providing counsel and legal advice regarding

general litigation and open meetings issues

- M. [19-902](#) Approval of and authorization to execute a Promotional License on City Property between the City of Broken Arrow and Broken Arrow Chamber of Commerce to host the 2019 Taste of Summer event
- N. [19-828](#) Approval of and authorization to execute an Equipment Lease Agreement with Preferred Business Systems, LLC for city wide copy equipment and maintenance service
- O. [19-789](#) Approval of and authorization to execute renewal applications for Firefighter's Jeremy Roberts, Justin Williams, Stephen Heins, and Jill Boeckman to participate on the Oklahoma Taskforce-1 Urban Search and Rescue Team for fiscal year 2020
- P. [19-830](#) Approval of and authorization to execute a renewal of an annual Commercial Services Agreement with Cox Communications for Data Services for fiscal year 2019-2020
- Q. [19-896](#) Approval of and authorization to execute Resolution No. 1227, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 2, which consists of 0.12 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. [19-889](#) Approval of and authorization of Final Acceptance of the public improvements at North Rose Business Park at East of Northeast corner of Elm Place and Kenosha Street
- S. [19-890](#) Approval of and authorization of Final Acceptance of the public improvements at Pines at the Preserves located at Southwest corner of 37th and Omaha
- T. [19-891](#) Approval of and authorization of Final Acceptance of the public improvements at Foster Lewis Acreage Lot 6 located at 210 South Hickory Place
- U. [19-892](#) Approval of and authorization of Final Acceptance of the public improvements at Aspen Crossing Residential Phase 1 located North of Jasper, East of Aspen
- V. [19-893](#) Approval of and authorization of Final Acceptance of the public improvements at Aspen Crossing Patio Homes located North of Jasper, East of Aspen
- W. [19-894](#) Approval of and authorization of Final Acceptance of the public improvements at Timber Ridge Industrial Park located at Kenosha and 45th Place
- X. [19-869](#) Approval of and authorization to purchase one (1) $\frac{3}{4}$ ton truck for the Fire Department pursuant to the Oklahoma Statewide Contract SW35 and approval of and authorization to execute Fiscal Year 2020 Budget Amendment # 1
- Y. [19-835](#) Approval of BAZ-2030, Larry Stalcup, 2.50 acres, A-R-1 to R-2, one-half mile east of Aspen Avenue (145th East Avenue), north of Jasper Street (131st Street) at 12932 South 152nd East Avenue
- Z. [19-815](#) Approval of PT19-107, Conditional Final Plat, Creek Center, a replat of a part of Possum Run Addition, 1.05 acres, 1 Lot, A-1 (Agricultural) to CG (Commercial General), west of the southwest corner of Kenosha Street (71st Street) and 51st Street (Evans Road)
- AA. [19-840](#) Approval of PUD-249A (Planned Unit Development), a major amendment to PUD-249, Bluebird Storage Facilities, 6.50 acres, IL (Industrial Light)/PUD-249 to IL/PUD-249A, south of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike
- AB. [19-882](#) 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

- AC. [19-859](#) Award of the Sole Source purchase of Gades Video Detection Systems for the Traffic Signals Division of the Streets and Stormwater Department
- AD. [19-888](#) Notification of City Manager's, Assistant City Manager's, and Department Director's execution of Professional Consultant Agreements with a value of less than \$25,000
- AE. [19-750](#) Acceptance of a Detention Easement from Creek 51 Business Park, LLC on unplatted property located approximately one-eighth mile west of 51st Street (Evans Road), one-eighth mile north of 91st Street (Washington Street), shown as Exhibits A.1 and A.2 (Section 18, T18N, R15E) (Creek 51 Business Park)
- AF. [19-751](#) Acceptance of a Utility Easement from Creek 51 Business Park, LLC on unplatted property located approximately one-quarter mile west of 51st Street (Evans Road), one-quarter mile north of 91st Street (Washington Street), shown as Exhibits A.3 and A.4 (Section 18, T18N, R15E) (Creek 51 Business Park)
- AG. [19-752](#) . Acceptance of a Utility Easement from Creek 51 Business Park, LLC on unplatted property located approximately one-quarter mile west of 51st Street (Evans Road), one-quarter mile north of 91st Street (Washington Street), shown as Exhibits A.5 and A.6 (Section 18, T18N, R15E) (Creek 51 Business Park)
- AH. [19-753](#) Acceptance of a Utility Easement from Creek 51 Business Park, LLC on unplatted property located approximately one-half mile west of 51st Street (Evans Road), north of 91st Street (Washington Street), shown as Exhibits A.7 and A.8 (Section 18, T18N, R15E) (Creek 51 Business Park)
- AI. [19-842](#) Ratification of a Corrected 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)
- AJ. [19-843](#) Ratification of a corrected 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)
- AK. [19-861](#) Ratification of the Fiscal Year 2019-20 General Liability and Umbrella coverage policy with Central Insurance Companies for the city-owned building occupied by Bass Pro Shops
- AL. [19-897](#) Ratification of filed recorded General Warranty Deed 2019054444 from The Swindell Family Living Trust, which consists of 0.12 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, (Project No. WL1610)
- AM [19-884](#) Approval of the Broken Arrow City Council Claims List for July 16, 2019
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6. Consideration of Items Removed from Consent Agenda

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

- A. [19-887](#) Presentation regarding the National Association of Government Communicators First Place Award for the 2018 Build Our Future BA - General Obligation Bond public education campaign
- B. [19-913](#) Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring August 14, 2019, as the 74th Anniversary Celebration of VJ Day in Broken Arrow, Oklahoma
- C. [19-914](#) Presentation and possible consideration, discussion and approval regarding the Hillside Drive Wall Project
- D. [19-908](#) Councilor Parks' call to order of the Special Meeting of the Tax Increment District Review Committee of the City of Broken Arrow, Proposed Increment District No. 2 (Creek 51 Business Park) located within boundaries of Broken Arrow Independent School District No. 3
- E. [19-868](#) Conduct a public hearing regarding the proposed creation of Increment District No. 2, City of Broken Arrow and the Creek 51 Business Park Economic Development Project Plan

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. [19-873](#) Consideration, discussion, and possible approval to form a Drainage Advisory Committee regarding 2018 General Obligation Bond Proposition No. 6
- B. [19-839](#) Consideration, discussion, and possible approval of BAZ-2031, Patrick Bromley, 0.30 acres, RM (Residential Multifamily) to R-2 (Single Family Residential), one-third mile west of 9th Street (Lynn Lane/177th East Avenue), south of Jasper Street (131st Street)
- C. [19-841](#) Consideration, discussion, and possible approval of PUD-291 (Planned Unit Development), Boston Heights, 2.10 acres, A-1 (Agricultural) to PUD-291/RS-2 (BAZ-1991, Single-Family Residential), one-half mile east of Elm Place (161st E. Avenue), one-quarter mile south of Washington Street (91st Street)
- D. [19-866](#) Consideration, discussion, and possible approval of BACP-163 (Comprehensive Plan Change), Tidal Wave, 3.11 acres, Public/Semi Public to Level 6, south of the southeast corner of Houston Street (81st Street) and Elm Place (161st East Avenue)
- E. [19-870](#) Consideration, discussion and possible award of the most advantageous bid to Tyler Technologies for Request for Proposals for Software and Implementation Services for an Enterprise Resource Planning (ERP) System and approval and authorization to execute the License and Services Agreement
- F. [19-871](#) Approval of and authorization to execute a Professional Consultant Agreement with Berry Dunn McNeil & Parker, LLC dba BerryDunn for Implementation Project Management Services during the Implementation of the Tyler Technologies Munis Enterprise Resource Planning (ERP) System
- G. [19-872](#) Approval of and authorization to execute a Quote with United Systems for purchase and installation of server hardware to host Tyler Enterprise Resource Planning (ERP) System software

10. Preview Ordinances

- A. [19-860](#) Consideration, discussion and possible preview of an Ordinance amending Section 3.1.F (Table 3.1-1) Table of Allowed Uses, Section 3.2.C, Commercial Uses, Section 3.3.D, Additional Standards for Specific Accessory Uses, Section 5.4.D (Table 5.4.1), Off-Street

Parking Schedule A, and Section 10.3.D.11a, Definitions of the City of Broken Arrow Zoning Ordinance; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

11. Ordinances

- A. [19-852](#) Consideration, discussion, and possible adoption of Ordinance No. 3586 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; and declaring an emergency
- B. [19-816](#) Consideration, discussion, and possible adoption of Ordinance No. 3587, to be codified, creating Article XVI, Broken Arrow Elm and New Orleans Advisory Committee, Section 2-230, created, Section 2-231, Appointments, Section 2-232, Removal of Office, Section 2-233, Organization, Section 2-234, Duties, specifically establishing the Broken Arrow Elm and New Orleans Advisory Committee, 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. Discussing the purchase and appraisal of real property located at 1117 S. Main, Broken Arrow, OK., and taking appropriate action in open session 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 under 25 O.S. §307(B)(3);**
- 3. Discussing the purchase and appraisal of real property located near West Commercial Street between Kenosha Street and Houston Street, Broken Arrow, OK., and taking appropriate action in open session under 25 O.S. §307(B)(3);**
- 4. Litigation, including potential resolution, of a matter involving the litigation case of Cloudi Mornings, LLC vs. City of Broken Arrow et al., Tulsa County District Court Case Number CV-2018-1213, 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 is necessary to process the pending 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