



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, August 6, 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. [19-949](#) Acknowledgement of upcoming out-of-state travel by City Council members
- B. [19-15](#) Approval of the City Council Meeting Minutes of July 16, 2019
- C. [19-911](#) Accept Planning Commission meeting minutes of June 13, 2019
- D. [19-912](#) Accept Planning Commission meeting minutes of June 27, 2019
- E. [19-967](#) Approval of and authorization to execute Budget Amendment Number 9 for Fiscal Year 2019
- F. [19-965](#) Approval of Program Year (PY) 2019 Community Development Block Grant (CDBG) Social Services Funding Recommendations and authorization to execute Social Services Contracts
- G. [19-938](#) Notification of City Manager's, Assistant City Manager's and Department Director's execution of Professional Consultant Agreements with a value less than \$25,000
- H. [19-937](#) Ratification of Professional Consultant Agreement with Tulsa Engineering & Planning Associates Inc. for The Park on Florence 2nd Detention Facility Rehabilitation (SW1922)
- I. [19-454](#) Approval of and authorization to execute Agreement For Gas Installation, between Oklahoma Natural Gas (ONG) and the City of Broken Arrow (COBA), for the Lynn Lane Wastewater Treatment Plant Headworks Improvements Project (Project Numbers 165420 and 165423)
- J. [19-495](#) Approval of and authorization to execute Gas Facilities Relocation Agreement between Oklahoma Natural Gas (ONG) and the City of Broken Arrow for Kenosha Street from Date Avenue to Main Street (Project Number ST1409)
- K. [19-934](#) Approval of and authorization to execute Professional Services Agreement with Olsson, Inc. for providing design services for the Southwest Broken Arrow Park (Project Number 196031)
- L. [19-951](#) Approval of and authorization to execute an Expert Witness Consultant Agreement with Joseph W. Kowalski, P.E., for providing independent professional advice as a consultant regarding the City of Broken Arrow v. Contech et al CJ-2017-295

- M. [19-961](#) Approval of and authorization to execute Amendment No. 4 to Professional Consulting Services Agreement with Garver, LLC for Washington Street - Garnett Rd to Olive Ave (ST1616)
- N. [19-952](#) Approval of and authorization to execute Professional Services Agreement with McDonald & Metcalf LLP., for providing counsel and legal advice regarding Tiger Hill Retaining Wall Design and Construction Defect Dispute with Contech, Inc., O.J.C., Co., and Heartstone
- O. [19-970](#) Approval of and authorization to execute Professional Consultant Agreement with R.L. Shears Company, P.C. for Tiger Creek Corridor Master Plan (Project No. SW1912)
- P. [19-985](#) Approval of and authorization to execute a Medical Director Services Agreement between David Gearhart, D.O. and the City of Broken Arrow for services as the Physician Medical Director for the Fire Department
- Q. [19-947](#) Approval of and authorization to execute a Use Agreement with the Broken Arrow Genealogical Society for Fiscal Year 2019-2020
- R. [19-946](#) Approval of and authorization to execute a Use Agreement with the Broken Arrow Historical Society for Fiscal Year 2019-2020
- S. [19-948](#) Approval of and authorization to execute a Use Agreement with the Broken Arrow Military History Center for Fiscal Year 2019-2020
- T. [19-996](#) Approval of and authorization to execute a Promotional License on City Property allowing ScotFest, Inc. to host the 2019 ScotFest event
- U. [19-917](#) Approval of and authorization to execute the purchase of Taser X2s with accessories from Axon, formerly Taser International, a sole source vendor
- V. [19-994](#) Approval of and authorization to purchase annual software maintenance services from Superion, L.L.C.
- W. [19-959](#) Award of the most advantageous bid to Baysinger's Uniforms's and equipment for the purchase of 5.11 Tactical police uniforms and equipment, and approval of and authorization to execute the purchase contract
- X. [19-958](#) Award of the most advantageous bid to Southern Uniform & Equipment for the purchase of Police uniforms and equipment, and approval of and authorization to execute the purchase contract
- Y. [19-898](#) Approval of and authorization to execute Change Order CO-2 for construction contract ST1806; Wolf Creek Subdivision Rehabilitation
- Z. [19-975](#) Approval of and authorization to execute Change Order CO-5 for Construction Contract ST1507; 37th Street: Omaha to Albany and Rural Water District #4 Waterline
- AA. [19-953](#) Approval of BAZ-2032, Sommer Rezoning, 32.753 acres, A-1 (Agricultural) to CG (Commercial General), west of 23rd Street (193rd East Avenue/County Line Road), and north of the Creek Turnpike
- AB. [19-924](#) Ratification of filed recorded Corrected Deed of Dedication from Bill Parker and Margie Parker regarding a 35-foot right-of-way on property generally located at 9702 S. 193rd East Avenue in the Northeast Quarter of the Southeast Quarter of Section 24, Township 18 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma
- AC. [19-880](#) Acceptance of a Deed of Dedication from Kenneth Barbee on an approximately 5.0-acre unplatted property located approximately one-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road) as shown in Exhibit A, Wagoner County, State of

Oklahoma (Section 08, T18N, R15E)

- AD.** [19-939](#) Acceptance of a Drainage Easement and Temporary Construction Easement from B-Z Properties, LLC, for Parcel 12a consisting of 0.48 acres of Temporary Construction Easement and Parcel 12b consisting of 0.20 acres of Drainage Easement for 37th Street Improvements, Albany to Houston, located in the Northeast Quarter of Section 7, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma (Project No. ST1413)
- AE.** [19-941](#) Acceptance of Sidewalk Easement consisting of 0.0011 acres from 222 Investments, LLC, on property located at the Northwest corner of Ash and Commercial located in part of the Southwest Quarter of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma (Project No. ST1711)
- AF.** [19-881](#) Acceptance of a Utility Easement from Kenneth Barbee on an approximately 5.0-acre unplatted property located approximately one-quarter mile south of Kenosha Street (71st Street), west of 51st Street (Evans Road) as shown in Exhibit A, Wagoner County, State of Oklahoma (Section 08, T18N, R15E)
- AG.** [19-910](#) Acceptance of a Utility Easement from Clint Emerson of Concord Land Holdings, LLC on Tract B of Lot 1, Block 2, Stone Ridge Towne Center, located approximately one-quarter mile north of Albany Street (61st Street), west of Elm Place (161st East Avenue), Tulsa County, State of Oklahoma (Section 34, T19N, R14E)
- AH.** [19-919](#) Acceptance of a Utility Easement from Richard Saint of RBS Enterprises, LLC on Tract C of Lot 1, Block 2, Stone Ridge Towne Center, located approximately one-quarter mile north of Albany Street (61st Street), west of Elm Place (161st East Avenue), Tulsa County, State of Oklahoma (Section 34, T19N, R14E)
- AI.** [19-930](#) Acceptance of a Deed of Dedication from HomeChurch, Inc. on property located west of the northwest corner of Elm Place (161st East Avenue) and New Orleans (101st Street) as shown in Exhibit A-1 & A-3, Tulsa County, State of Oklahoma (Section 22, T18N, R14E)
- AJ.** [19-933](#) Acceptance of a Deed of Dedication from HomeChurch, Inc., on property located north of the northwest corner of Elm Place (161st East Avenue) and New Orleans (101st Street) as shown in Exhibit A-2 & A-3, Tulsa County, State of Oklahoma (Section 22, T18N, R14E)
- AK.** [19-932](#) Acceptance of a Utility Easement from HomeChurch, Inc. on property located north of the northwest corner of Elm Place (161st East Avenue) and New Orleans (101st Street) as shown in Exhibit B-2 & B-3, Tulsa County, State of Oklahoma (Section 22, T18N, R14E)
- AL.** [19-931](#) Acceptance of a Utility Easement from HomeChurch, Inc. on property located west of the northwest corner of Elm Place (161st East Avenue) and New Orleans (101st Street) as shown in Exhibit B-1 & B-3, Tulsa County, State of Oklahoma (Section 22, T18N, R14E)
- AM** [18-1450](#) Approval of the Broken Arrow City Council Claims List for August 06, 2019

6. Consideration of Items Removed from Consent Agenda

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

- A.** [19-974](#) Conduct a public hearing regarding the proposed Creek 51 Business Park Economic Development Project Plan
- B.** [19-943](#) Presentation regarding update on the City Street Maintenance Program funded through Street Sales Tax
- C.** [19-963](#) Presentation regarding the Riverview Apartments Site and Landscape 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. [19-964](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1255, a Resolution authorizing the acceptance of the Broken Arrow NEXT Comprehensive Plan and the Broken Arrow Parks Master Plan
- B. [19-995](#) Consideration, discussion, and possible appointment of members of the Elm Place and New Orleans Advisory Committee
- C. [19-905](#) Consideration, discussion, and possible approval of an Amended Application #1 to the Tulsa County Vision Authority for Vision 2025 Surplus Funds for Streetscapes V
- D. [19-968](#) Consideration, discussion, and possible approval of Amended Application #1 to the Tulsa County Vision Authority for Vision 2025 Surplus Funds for Center for Arts, Innovation and Creativity
- E. [19-969](#) Consideration, discussion, and possible approval to reject all bids for the construction of new Fire Station No. 3 (Project No. 163511) and find that the best interests of the Citizens of Broken Arrow City will be served by the rejection
- F. [19-999](#) Consideration, discussion, and possible approval of Resolution No. 1252, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and a Journal Entry of Judgment in regard to the Tort Claim filed by Lamont Tharps, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the court's approval, pursuant to 51 O.S. § 158
- G. [19-998](#) Consideration, discussion, and possible approval of Resolution No. 1253, a Resolution authorizing the City Attorney to enter into a proposed Joint Application to Settle Claims in Excess of \$25,000 and a Journal Entry of Judgment in regard to the Tort Claim filed by Angela Abercrombie, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the court's approval, pursuant to 51 O.S. § 158

10. Preview Ordinances

- A. [19-956](#) Consideration, discussion, and possible preview of an Ordinance closing a utility easement from CRS Sanders Investments, LLC, on property located one-quarter mile south of Washington Street (91st Street), one-half mile east of Elm Place (161st East Avenue), Tulsa County, State of Oklahoma, (Section 23, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency
- B. [19-957](#) 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. [19-993](#) Consideration, discussion and possible adoption of Ordinance No. 3588 an ordinance, to be codified, creating Article XVII, Broken Arrow Drainage Advisory Committee, section 2-235, created, section 2-236, appointments, section 2-237, removal of office, section 2-238, organization, section 2-239, duties, specifically establishing the Broken Arrow

Drainage Advisory Committee, repealing all ordinances to the contrary; and declaring an emergency

- B. [19-988](#) Consideration, discussion and possible adoption of Ordinance No. 3597, an ordinance of the City of Broken Arrow, Oklahoma (the “City”) approving utilization of apportioned tax revenues authorized by statewide vote adopting Article 10, Section 6C of the Oklahoma Constitution and implemented by the Local Development Act, 62 O.S. §850, et seq.; approving and adopting the Creek 51 Business Park Economic Development Project Plan and expressing intent to carry out the project plan; ratifying and confirming the actions, recommendations and findings of the review committee and the Planning Commission; creating and establishing Increment District No. 2, City of Broken Arrow; designating and adopting the increment district boundaries and the project area boundaries; adopting certain findings; reserving to the City the authority to make minor amendments to the project plan; authorizing the City Council of the City to carry out and administer the project plan; establishing a tax apportionment fund; authorizing directions for prospective apportionment of tax increments; establishing an allocation of use for tax increments; declaring apportionment funds to be funds of the City and limiting the pledge of apportioned increments to increments actually apportioned by the City; authorizing the City Council of the City, or a public trust designated thereby, to implement the project plan utilizing apportioned tax increments to pay or reimburse project costs directly and/or to issue bonds or notes, if feasible and desirable, to pay project costs and to retire said bonds or notes from apportioned tax increments; providing for severability; declaring an emergency; and containing other provisions related thereto

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. Litigation, including potential resolution, of a matter involving the tort claim of Heather Walters 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. Litigation, including potential resolution, of a matter involving the tort claim of Randall Quick 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).**

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