



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, November 18, 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. [19-22](#) Approval of the City Council Meeting Minutes of November 5, 2019

- B. [19-1400](#) Approval of and authorization to execute Resolution No. 1284, a Resolution authorizing the selection of a qualified firm concerning Bridge Inspection responsibility by local government for compliance with National Bridge Inspection Standards, Bridge Inspection Contracts for April 1, 2020 to March 31, 2022

- C. [19-1338](#) Approval of and authorization to execute Change Order CO6 for Construction Contract ST1507; 37th Street: Omaha to Albany and Rural Water District #4 Waterline

- D. [19-1403](#) Approval of and authorization to execute a Professional Consultant Services Agreement with Marquardt Engineering, PLLC for providing design services on the Albany Street Widening from 23rd Street to 37th Street and Bridge Improvements (Project No. ST2035)

- E. [19-1420](#) Approval of and authorization to execute a Professional Services Agreement with Metcalf & Splitler, 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

- F. [19-1416](#) Approval of and authorization to execute a Professional Services Agreement between the Public Finance Law Group, PLLC ("PFLG"), the City of Broken Arrow, Oklahoma, an Oklahoma Municipal Corporation (the

“City”), the Broken Arrow Municipal Authority, an Oklahoma Public Trust (“BAMA”) and the Broken Arrow Economic Development Authority, an Oklahoma Public Trust (“BAEDA”) for providing counsel and legal advice regarding economic development law

- G. [19-1397](#) Approval of and authorization to execute a Promotional License on City Property allowing Ruts N Guts LLC to host the 2019 Ruts N Guts event
- H. [19-1362](#) Acceptance of the Drainage Advisory Committee’s recommendation of the design and construction of a storm sewer system between Stone Wood Crossing I and Stone Wood Crossing II and direct staff to obtain an easement for such drainage improvements and authorize the expenditure of 2018 GO bond, Proposition 6 funds for the improvements
- I. [19-1363](#) Acceptance of the Drainage Advisory Committee’s recommendation of the design and construction of an underground interceptor and diversion system near and around 2935 North Lions Drive and direct staff to obtain an easement for such drainage improvements and authorize the expenditure of 2018 GO Bond, Proposition 6 funds for the improvements
- J. [19-1364](#) Acceptance of the Drainage Advisory Committee’s recommendation to clear the creek and drainage way of downed trees and debris in the East Branch of Haikey Creek near the Pembroke Park retention pond, to include rip rap, not to exceed \$10,000.00 and direct staff to obtain an easement for such improvements and authorize the expenditure of 2018 GO Bond, Proposition 6 funds for the improvements
- K. [19-1390](#) Approval of and authorization for the City Manager to waive development fees, not to exceed \$24,000, for the Bentley Row Project located at 304 East Commercial Street in Broken Arrow
- L. [19-1405](#) Acceptance of a Deed of Dedication from Mark A. Fletcher and Erica J. Fletcher on an approximately 37-acre unplatted property located approximately one-half mile south of Tucson Street (121st Street), west of 23rd Street (193rd East Avenue) as shown in Exhibit A, Tulsa County, State of Oklahoma (Section 01, T17N, R14E)
- M. [19-1406](#) Acceptance of a Utility Easement from Mark A. Fletcher and Erica J. Fletcher on an approximately 37-acre unplatted property located approximately one-half mile south of Tucson Street (121st Street), west of 23rd Street (193rd East Avenue) as shown in Exhibit A, Tulsa County, State of Oklahoma (Section 01, T17N, R14E)
- N. [18-1471](#) Ratification of the Claims List Check Register dated November 14, 2019

6. Consideration of Items Removed from Consent Agenda

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

- A. [19-1355](#) Presentation and annual programming update by the Broken Arrow Seniors

Incorporated

- B. [19-1393](#) Presentation and annual programming update by the Broken Arrow History Museum (Museum Broken Arrow)

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. [19-1357](#) Consideration, discussion, and possible approval of the creation of a Finance Audit Committee
- B. [19-1396](#) Consideration, discussion, and possible approval of PUD-294 (Planned Unit Development) and BAZ-2036 (Rezoning), Spring Creek Plaza, 13.78 acres, CG (Commercial General) and R-2 (Single-Family Residential) to PUD-294/CH (Commercial Heavy), located south and east of the southeast corner of Tucson Street (121st Street) and Elm Place (161st East Avenue)
- C. [19-1426](#) Consideration, discussion, and possible approval of project requirements and authorization to advertise for bids the Hillside Drive Retaining Wall structure

10. Preview Ordinances

- A. [19-1411](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 16-Offenses, Article I-General, Section 16-3.1 Domestic Abuse; arrest without a warrant; repealing all Ordinances to the contrary; and declaring an emergency
- B. [19-1413](#) Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 23 Traffic, Article IV-Stopping, Standing and Parking, Division 1-Generally, Section 23-133-Parking in accordance with special signs or markings; Repealing all ordinances to the contrary; And declaring an emergency
- C. [19-1424](#) Consideration, discussion, and possible preview of an Ordinance Amending the Broken Arrow Code of Ordinances, Chapter 5, Animals, Article I, In general, Section 5-6, Dog/Cat license fee, registration and tag generally; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

11. Ordinances

- A. [19-1398](#) Consideration, discussion, and possible adoption of Ordinance No. 3605, closing a portion of Right-of-Way on property located one-quarter mile north of Washington Street (91st Street), one-quarter mile west of 225th East Avenue (Evans Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E)(Creek 51 Business Park)(North); repealing all ordinances to the contrary; and declaring an emergency
- B. [19-1399](#) Consideration, discussion, and possible adoption of Ordinance No. 3606,

closing a portion of Right-of-Way on property located one-quarter mile north of Washington Street (91st Street), one-quarter mile west of 225th East Avenue (Evans Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E)(Creek 51 Business Park)(South); 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 the claims and potential litigation or actions pertaining to:

1. The City's potential claim and litigation or action related to Stronghand, LLC's potential breach of the Tiger Hill Soldier Pile Retaining Wall Contract No. 171703, Bid No. 19.121;
2. Litigation involving City of Broken Arrow v. Purdue Pharma, L.P., et al, Case No. 19-cv-0047-TCK-JFJ in the United States District Court for the Northern District of Oklahoma.

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to protect the confidentiality of businesses and 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