



# 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*

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**Tuesday, January 21, 2020**

**6:30 PM**

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

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**1. Call to Order**

**2. Invocation**

**3. Roll Call**

**4. Pledge of Allegiance to the Flag**

**5. Consideration of Consent Agenda**

- A. [20-2](#) Approval of the City Council Meeting Minutes of January 7, 2020
- B. [20-103](#) Acceptance of Planning Commission meeting minutes of December 19, 2019
- C. [20-130](#) Approval of and authorization to execute Amendment No. 1 to Agreement for Professional Consulting Services with Cowan Group Engineering, LLC., for revising the layout to Package "B" detention facility in order to reduce construction costs on the Stone Ridge Towne Center Drainage Improvements Packages B, C, & D, (SW1910) project
- D. [20-120](#) Approval of and authorization to execute an amendment of Contract for Phase One of Elm and New Orleans Study with Catalyst Commercial Incorporated
- E. [20-144](#) Approval of and authorization to execute a General Release and Separation Agreement with Information Technology Director Stephen Steward
- F. [20-129](#) Approval of and authorization to execute a Professional Consulting Services Agreement with Kimley-Horn and Associates, Inc., for providing design services for Lions Avenue Drainage Improvements near 904 South Lions Avenue in the Central Park Estates 3rd Subdivision (Project no. SW2008)
- G. [20-143](#) Approval of and authorization to execute a professional services agreement between the City of Broken Arrow and Youth Services of Tulsa, Inc. for referrals of first time juvenile offenders to the Youth Services of Tulsa, Inc. Misdemeanant Alternative Program (MAP)
- H. [20-137](#) Approval of and authorization to execute Copay Max Addendum with Navitus Health Solutions, LLC to manage costs related to specialty drugs paid for by the employee health plan
- I. [20-125](#) 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
- J. [20-74](#) Approval of and authorization to execute Change Order #1 with H & G Paving Contractors, Inc. for Construction Contract ST1616; Washington Street Improvements from Garnett Road to Olive Avenue

- K. [20-139](#) Approval of and authorization to execute Change Order No. CO-1 with Cherokee Pride Construction, Inc., for Construction Contract ST1902; Wedgewood 2nd Addition Street Repairs
- L. [20-146](#) Award of the lowest responsible bid to Magnum Construction, Inc. and approve and authorize execution of a construction contract for the Vandever Park Playground Improvements (196025)
- M. [20-123](#) Award of the most advantageous bid to Southern Uniform & Equipment for the purchase of Police ballistic vests, and approval of and authorization to execute the purchase contract
- N. [20-155](#) Approval of and authorization to execute Resolution No. 1292, a Resolution authorizing acceptance of a General Warranty Deed for future public parking of the Creative Arts Center are Lots 1, 2, 3, 4, and 5. All in Block 55, Original Town of Broken Arrow, Tulsa County, State of Oklahoma; generally located at the northwest corner of Ash Avenue and Dallas Street in the Southwest Quarter of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from AVB Bank for Creative Arts Center. (Project No. 161715)
- O. [19-1538](#) Approval of BAZ-2041, The Pines II, 45.84 acres, A-1 to RS-3, southwest corner of Omaha Street (51st Street) and 37th Street (209th E. Avenue)
- P. [20-104](#) Approval of PUD-299 (Planned Unit Development), Tidal Wave, 1.23 acres, R-2 (Single-Family Residential) to CH (Commercial Heavy), south of the southeast corner of Houston Street (81st Street) and Elm Place (161st East Avenue)
- Q. [20-133](#) Ratification of the Claims List Check Register dated January 17, 2020

#### **6. Consideration of Items Removed from Consent Agenda**

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

- A. [19-1501](#) Presentation of Financial Statements for the 2nd quarter of Fiscal Year 2020 for the General Fund, Police Sales Tax Fund, Fire Sales Tax Fund, Sales Tax Capital Improvements Fund and the Broken Arrow Municipal Authority

#### **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. [20-145](#) Approval of bids received and extension of the time, by 15 days for good cause, to award or reject the bids for the Hillside Drive Retaining Wall Replacement (Project No. ST2034)
- B. [20-148](#) Consideration, discussion, and possible approval to reject all bids for the Main Place Playhouse Replace HVAC Units (Project No. 206020) and Public Safety Complex (PSC) Police Department IT Room & 911 Telephone Room Backup HVAC System (Project No. 193022) and find that the best interests of the Broken Arrow City Council will be served by the rejection
- C. [20-161](#) Consideration, discussion and possible approval of and authorization to execute Resolution No. 1293, a resolution rescinding Resolution No. 1267, a Resolution of Necessity to Condemn Property generally located in the Southwest Quarter of Section 11, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the Commercial Street Detention Facility, (Project No. SW2007), and directing Staff to investigate an alternative location for a downtown stormwater detention facility

- D. [20-108](#) Consideration, discussion and possible approval of BACP-165 (Comprehensive Plan Change), Level 6 and Greenway/Floodplain to an increased amount of Level 6 and a decreased amount of Greenway/Floodplain, Metro Foot & Ankle, 0.58 acres, IL (Industrial Light), one-half mile south of Kenosha Street (71st Street), west of Elm Place
- E. [20-124](#) Consideration, discussion, and possible approval of PUD-297 (Planned Unit Development) and BAZ-2044 (Rezoning), 811 W. New Orleans Street, 2.21 acres, CG to PUD-297/CG/IL, located west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)
- F. [20-141](#) Consideration, discussion and possible approval of PUD-17C (Planned Unit Development Major Amendment), Vandever Acres Center, 4.94 acres, CG/PUD-17 (Commercial General), located west of the northwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)
- G. [20-142](#) Consideration, discussion and possible approval of PUD-126C (Planned Unit Development Major Amendment), Broken Arrow Plaza, 9.64 acres, CG/PUD-126 (Commercial General), located west of Elm Place (161st E. Ave), north of Tucson Street (121st Street)

**10. Preview Ordinances - NONE**

**11. Ordinances**

- A. [19-1535](#) Consideration, discussion, and possible adoption of Ordinance No. 3611, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1366, granting a CH zoning classification be placed upon the tract, generally located at 515 - 525 W. Madison, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. [19-1536](#) Consideration, discussion, and possible adoption of Ordinance No. 3612, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1789 and BAZ-1842, generally located near the northeast corner of Jasper Street (131st Street) and Aspen Avenue (145th E. Avenue), granting RS-3, RD, and FD zoning classifications upon the tract along with PUD-260, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. [19-1539](#) Consideration, discussion, and possible adoption of Ordinance No. 3613, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1930, generally located on the southwest corner of 23rd Street (County Line Road) and Tucson Street (121st Street), granting a RS-3 zoning classification be placed upon the tract along with PUD-234, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. [19-1541](#) Consideration, discussion, and possible adoption of Ordinance No. 3614, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1965, generally located north of Kenosha Street, one-quarter mile east of Elm Place, granting an ON, CN, and IL zoning classifications be placed upon the tract along with PUD-253A, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- E. [20-87](#) Consideration, discussion, and possible adoption of Ordinance No. 3615, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1969, generally located on the southeast corner of 23rd Street (County Line Road) and Rockford Street (31st Street), granting a RS-3 zoning classification be placed upon the tract along with PUD-256, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F. [20-94](#) Consideration, discussion, and possible adoption of Ordinance No. 3616, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1975, generally located one-half mile west of Evans Road (225th E. Avenue), south of Kenosha Street (71st Street), granting a IL zoning classification be placed upon the tract along with PUD-259, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G. [20-95](#) Consideration, discussion, and possible adoption of Ordinance No. 3617, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1976, generally located west of the southwest corner of 37th Street (209th E. Avenue) and Omaha Street (51st Street), granting a RS-3 zoning classification be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- H. [20-111](#) Consideration, discussion, and possible adoption of Ordinance No. 3619, 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

**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, conferring on matters and possible action in open session pertaining to:

1. A claim and potential litigation regarding a water tower with the words First Baptist Church of Broken Arrow, under 25 O.S. § 307(B)(4);
2. The City's potential claim and litigation or action related to the Commercial Street Detention Project No. SW2007, involving the City of Broken Arrow v. Dennis Sherwood, a District Court action authorized by Resolution 1267, regarding certain real property generally located in the Southwest Quarter of Section 11, Township 18 North, Range 14 East of the Indian Meridian, pursuant to 25 O.S. Section 307(B) (4);
3. 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, 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 litigation and 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