



**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, April 6, 2021**

**5:30 PM**

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

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**NOTICE AND AGENDA OF SPECIAL MEETING**

**1. Call to Order**

**2. Invocation**

**3. Roll Call**

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

**5. Consideration of Consent Agenda**

- A.     [21-19](#)             Approval of the City Council Meeting Minutes of March 16, 2021
- B.     [21-405](#)        Approval of the Amended Special City Council Meeting Minutes of January 19, 2021 to reflect the meeting was held at Stoney Creek Hotel and Conference Center and Broken Arrow Council Chambers
- C.     [21-469](#)        Approval of the City Council Meeting Special Minutes of March 16, 2021
- D.     [21-398](#)        Acceptance of Planning Commission meeting minutes of March 11, 2020
- E.     [21-435](#)        Approval of and authorization to execute a budget transfer request to fund a new capital improvement project -Renovation of the Animal Shelter for the Police Department
- F.     [21-443](#)        Approval of and authorization to execute a Proclamation declaring the week of April 11-17, 2021 as National Telecommunicators Week
- G.     [21-414](#)        Approval of and authorization to execute a Proclamation declaring the week of May 2-8, 2021 as National Travel and Tourism Week in the City of Broken Arrow, Oklahoma

- H. [21-454](#) Approval of and authorization to execute Agreement for Professional Consultant Services with BKL, Inc. for providing design services on the South Broken Arrow TIF (Tax Increment Financing) Infrastructure Phase 1 Project from Aspen Avenue eastward approximately 1,200 feet (Project Number 2152260)
- I. [21-452](#) Approval of and authorization to execute Amendment No. 1 to Agreement for Professional Consulting Services with Geodeca, LLC for providing Professional Surveying and Related Support Services (SURV 20-01)
- J. [21-402](#) Approval of and authorization to execute Amendment No. 3 to Agreement for Professional Consultant Services with GH2 Architects, LLC for New Fire Station No. 3 (Project No. 163511)
- K. [21-463](#) Approval of and authorization to execute Amendment No. 3 to Agreement for Professional Consultant Services with GH2 Architects, LLC for New Fire Station No. 7 (Project No. 173509)
- L. [21-458](#) Approval of and authorization to execute Agreement for Mitigation Credit purchase with Hoffman Environmental, Inc. for providing wetland mitigation credits (Project Number SW1312)
- M. [21-403](#) Approval of and authorization to execute Amendment No. 1 to Agreement for Professional Consultant Services with Selser Shaefer Architects for The Center for Arts, Innovation and Creativity (Project No. 161715)
- N. [21-421](#) Approval of and authorization to execute Agreement for Professional Consultant Services with Tulsa Engineering & Planning Associates, Inc. for providing engineering services on the Rushbrooke Erosion and Mitigation Study in Reserve Area "B" of the subdivisions (Project Number SW21110)
- O. [21-412](#) Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than \$25,000
- P. [21-439](#) Approval and authorization to execute Change Order #1 with Envision Civil Contractors, LLC. on Construction Contract SW1921; Willow Springs IV Storm Sewer
- Q. [21-455](#) Approval and authorization to execute Change Order #2 with R&L Construction, LLC on Construction Contract #ST1616B; Washington Street Improvements from Garnett Rd. to Olive Ave; Reinforced Concrete Package

- R. [21-453](#) Award the lowest responsible bid to Cherokee Pride Construction, Inc., and approve and authorize execution of a construction contract for Concrete Roadway Panel Replacement With Additional Miscellaneous Concrete Work for: Aspen Pond Subdivision (ST21200), Westwind Subdivision (ST21180), & Granger Street (ST21250)
- S. [21-404](#) Award the lowest responsible bid to Magnum Construction, Inc. and approve and authorize execution of a construction contract for the Nienhuis Park Skate Park Improvements (196029)
- T. [21-401](#) Approval of BAZ-2078 (Rezoning), Old Hitching Post, approximately 0.84 acres, A-1 (Agricultural) to CN (Commercial Neighborhood), northeast corner of Main Street and Washington Street (91st Street)
- U. [21-359](#) Approval of SP-259A (Specific Use Permit Amendment), Saint Francis, 17.88 acres, R-1 (Single-Family Residential)/SP-259, one-quarter mile north of New Orleans Street (101st Street), west of Elm Place (161st E. Avenue)
- V. [21-378](#) Approval of and authorization to execute Resolution No. 1388, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 5.0 for the Albany Street: 23rd to 37th Street Roadway Improvements located at 3400 East Albany Street, Broken Arrow, Oklahoma in the Southeast Quarter of Section 31, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma, from the Alan and Brenda Miller, and authorization of payment in the amount of \$150,300.00 for the Albany Street: 23rd to 37th Street Roadway Improvements, Parcel 5.0 (Project No. ST2035)
- W. [21-371](#) Approval of and authorization to execute Resolution No. 1389, a Resolution authorizing acceptance of two (2) General Warranty Deeds for Parcels 6.0 and 6.1 for the Albany Street: 23rd to 37th Street Roadway Improvements located at the southeast corner of Albany and 37th Street, Broken Arrow, Oklahoma in the Northwest Quarter of Section 5, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, from the Terry and Rebecca Carter Trust, and authorization of payment in the amount of \$9,700.00 for the Albany Street: 23rd to 37th Street Roadway Improvements, Parcel 6.0., 6.1 (Project No. ST2035)
- X. [21-441](#) Acceptance of Sidewalk Easement from Roland Investments, Ltd, an Oklahoma Corporation, on property generally located in the 300 block of East Hillside Drive, Broken Arrow, Oklahoma, located in the Northeast Quarter of Section 2, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Hillside Drive Sidewalk, Parcel 1.1 (Project No. ST2034)

- Y.     [21-429](#)     Acceptance of Utility Easement 14.0 and Temporary Construction Easements 14.A and 14.B from Deborah D Snell and Hud W Watts, on property located at 7816 South Park Avenue, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 14.0, 14.A, 14.B (Project No. S.1606)
- Z.     [21-428](#)     Acceptance of Utility Easements 31.0, 31.1 and Temporary Construction Easements 31.A, 31.B from W.R. Benintendi, on property located at 15303 E 122nd Street, Broken Arrow, Oklahoma, located in the Northeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 31.0, 31.1, 31.A, 31.B (Project No. S.1606)
- AA.   [21-422](#)     Acceptance of Utility Easement 19.0 and Temporary Construction Easement 19.A from Muscogee (Creek) Nation, on property located at 7701 South Juniper Place, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 19.0, 19.A (Project No. S.1606)
- AB.   [21-440](#)     Acceptance of Utility Easement 18.0 and Temporary Construction Easements 18.A and 18.B from Mary Jo Walker and Carl Soap, on property located at 7705 South Juniper Place, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 18.0, 18.A, 18.B (Project No. S.1606)
- AC.   [21-460](#)     Ratification of the Claims List Check Register dated March 30, 2021

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

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

- A.     [21-448](#)     Presentation of Living Green Program Certification to Broken Arrow Public Schools for the design and construction of Rosewood Elementary
- B.     [21-436](#)     Presentation and possible acceptance of 2021 Get Fit Festival at New Orleans Square
- C.     [21-417](#)     Presentation and update on Museum Broken Arrow's building mural project

## **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. [21-418](#) Consideration, discussion, and possible approval of and authorization to execute an agreement with Carlos Barboza for the painting of a mural on the exterior wall of The Museum Broken Arrow, a city-owned building located at 400 South Main Street
- B. [21-470](#) Consideration, discussion and possible action to appoint a member of the Broken Arrow Planning Commission to serve as a representative on the South Broken Arrow Tax Incremental Finance District Review Committee
- C. [21-464](#) Consideration, discussion and possible action in regard to marketing and branding by Brandera Consulting in regards to New Orleans Square

#### **10. Preview Ordinances - NONE**

#### **11. Ordinances**

- A. [21-399](#) Consideration, discussion, and possible adoption of Ordinance No. 3677 closing a drainage easement from Windsor Plaza, LLC, on property located approximately one-quarter mile north of Kenosha Street (71st Street), east of 37th Street (209th East Avenue), Wagoner County, State of Oklahoma, (Section 5, T18N, R15E); repealing all ordinances to the contrary; and declaring an emergency (Lot 1, Block 2)
- B. [21-400](#) Consideration, discussion, and possible adoption of Ordinance No. 3678 closing a drainage easement from Windsor Plaza, LLC, on property located approximately one-eighth mile north of Kenosha Street (71st Street), one-eighth mile east of 37th Street (209th East Avenue), Wagoner County, State of Oklahoma, (Section 5, T18N, R15E); repealing all ordinances to the contrary; and declaring an emergency (Lot 3, Block 3)
- C. [21-434](#) Consideration, discussion, and possible adoption of Ordinance No. 3679, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving of BAZ-1988, generally located one-quarter mile north of Houston Street (81st Street) and one-quarter mile east of 23rd Street (County Line Road), south of the Broken Arrow Expressway, granting CG zoning classifications be placed upon the tract; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. [21-459](#) Consideration, discussion and possible adoption of Ordinance No. 3680, an Ordinance amending Chapter 25, Article 1, Section 25-4 (Local administrator) and Article III, Section 25-208 (Stormwater Development Permit) of the City of Broken Arrow Code of Ordinances; repealing all ordinances or parts of ordinances in conflict herewith; 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 pending claim, and potential litigation or asserted by the City of Broken Arrow against Contech, et. al., CJ-17-295 in the District Court of Tulsa County, in regard to the Tiger Hill Retaining wall project and investigation thereof, and taking appropriate action in open session including possible authorization to settle, approve or deny the claim under 25 O.S. § 307(B)(4);**
- 2. A pending claim, and potential litigation or asserted by the Hoey Construction Co. against the City of Broken Arrow, CJ-21-702 in the District Court of Tulsa County, in regard to the Indian Springs Sports Complex Baseball and Soccer Improvements project and investigation thereof, and taking appropriate action in open session including possible authorization to settle, approve or deny the claim and allow the legal department to provide representation under 25 O.S. § 307(B)(4);**
- 3. A pending claim, and potential litigation or asserted by Jeannette Peterson against the City of Broken Arrow for a claim in tort and investigation thereof, and taking appropriate action in open session including possible authorization to settle, approve or deny the 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 litigation and disclosure will seriously impair the ability of the public body to process the litigation 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.

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City Clerk