



City of Broken Arrow

City of Broken Arrow
Council Chambers
220 S 1st Street
Broken Arrow OK
74012

Meeting Agenda

City Council

Mayor Craig Thurmond
Vice Mayor Richard Carter
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Scott Eudey

Tuesday, August 18, 2015

6:30 PM

Council Chambers

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [15-302](#) Approval of Council minutes of August 4, 2015
- B. [15-319](#) Approval of Earth Change Pay Request Number 1 for Tri-Star Construction, LLC through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center
- C. [15-318](#) Approval of and authorization to execute a Professional Consultant Services Agreement with Cowan Group Engineering for a Traffic Impact Analysis (TIA), in association with construction of the Stoney Creek Hotel and Conference Center and other development in the area, located in the Northwest Quarter (NW/4) of Section Two (2), Township Eighteen (18) North, Range fourteen (14) East, Tulsa County, State of Oklahoma. (Project: Hotel-Conference Center)
- D. [15-294](#) Approval of and authorization to execute an Interlocal Agreement concerning road repair and maintenance between the City of Broken Arrow and Wagoner County
- E. [15-303](#) Approval of and authorization to purchase two ½ ton crew cab pickups from John Vance Motors pursuant to the State of Oklahoma vehicle contract

- F. [15-298](#) Review of bids received, award of the most advantageous bid to Storey Wrecker, and approval of and authorization to execute a contract for wrecker services
- G. [15-324](#) Review of bids received, award of the most advantageous bid, and authorization to execute a construction contract for Fire Station No. 1 Mold Remediation and Build Back
- H. [15-297](#) Acceptance of a Utility Easement from Georgeanna Brown Thomas and Trust Company of Oklahoma, as Co-Trustees of the Wanda M. Brown Revocable Trust, U/T/A Dated December 8, 1983, and Georgeanna Brown Thomas and Roger L. Thomas, husband and wife, and Lynn Lane Terrace, LLC, an Oklahoma limited liability company, Lot 1, Block 2 of Lynn Lane Terrace Amended, an Addition to the City of Broken Arrow, located north of Kenosha Street and west of Lynn Lane Road, Broken Arrow, Tulsa County, State of Oklahoma (Section 02, T18N, R14E)
- I. [15-331](#) Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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

- A. [15-321](#) Presentation by Dan Berg of Ford Audio providing an overview of the upcoming audio and video improvement project for the City Council Chambers

8. Citizens' Opportunity to Address the Council on General Topics

9. General Council Business

- A. [15-246](#) Consideration, discussion and possible approval of Resolution No. 888, a Resolution approving the Fiscal Year 2015-2016 Manual of Fees, establishing fees and costs charged by the City of Broken Arrow; authorizing the periodic adjustment of these fees by the City Manager; and providing an effective date of September 1, 2015
- B. [15-339](#) Consideration, discussion and possible approval of submitting an application to the Tulsa County Vision Authority for Vision 2025 funding for improvements in the Rose District and Central Park
- C. [15-323](#) Consideration, discussion and possible direction for Staff to prepare an amendment to Section 2-151 of the Broken Arrow Code of Ordinances

regarding Attendance and specifically expanding the approved list of city holidays by adding Christmas Eve

10. Preview Ordinances

- A. [15-267](#) Consideration, discussion and possible preview of an Ordinance annexing property located in the West Half of the Northwest Quarter of the Northwest Quarter (W/2 NW/4 NW/4) of Section Nine (9), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and generally located on the Southeast corner of 131st Street and 129th East Avenue (Olive) and being adjacent to and abutting 131st Street and 129th Street East Avenue (Olive), repealing all ordinances to the contrary; and declaring an emergency
- B. [15-336](#) CONSIDERATION, DISCUSSION AND POSSIBLE PREVIEW OF AN ORDINANCE OF THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF BROKEN ARROW, STATE OF OKLAHOMA, ON THE 10TH DAY OF NOVEMBER, 2015, FOR THE PURPOSES OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. _____ OF THE CITY OF BROKEN ARROW, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF THREE TENTHS OF ONE PENNY (\$0.003) IN ADDITION TO PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE THREE TENTHS OF ONE PENNY (\$0.003) TAX TO BE USED TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR THE PURPOSES OF STAFFING OF ADDITIONAL POLICE AND FIREFIGHTING/EMERGENCY MEDICAL SERVICES PERSONNEL, ACQUISITION AND REPLACEMENT OF POLICE AND FIRE DEPARTMENT VEHICLES, FIRE TRUCKS, APPARATUS AND AMBULANCES, AND ACQUISITION AND REPLACEMENT OF EQUIPMENT FOR POLICE AND FIREFIGHTING/EMERGENCY MEDICAL SERVICES PERSONNEL AND FOR SUCH OTHER LAWFUL PURPOSES AS

SPECIFIED HEREIN; TO BECOME EFFECTIVE ON THE 1ST DAY OF JANUARY, 2017, FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES AND FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT THE TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; AMENDING SECTION 22-15 OF CHAPTER 22 OF THE CODE OF ORDINANCES TO ADD A PERMANENT TAX FOR PUBLIC SAFETY PURPOSES; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSES AS PROVIDED BY LAW; FIXING EFFECTIVE DATE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- C. [15-337](#) CONSIDERATION, DISCUSSION AND POSSIBLE PREVIEW OF AN ORDINANCE OF THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF BROKEN ARROW, STATE OF OKLAHOMA, ON THE 10TH DAY OF NOVEMBER, 2015, FOR THE PURPOSES OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. _____ OF THE CITY OF BROKEN ARROW, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF TWENTY-FIVE HUNDREDTHS OF ONE PENNY (\$0.0025) IN ADDITION TO PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE TWENTY-FIVE HUNDREDTHS OF ONE PENNY (\$0.0025) TAX TO BE USED TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR THE PURPOSES OF IMPROVING, CONSTRUCTING AND MAINTAINING CITY STREETS,

SIDEWALKS, AND RELATED STORMWATER IMPROVEMENTS, ACQUISITION AND REPLACEMENT OF MACHINERY, EQUIPMENT AND MATERIALS FOR THE PURPOSE OF IMPROVING, CONSTRUCTING AND MAINTAINING CITY STREETS, SIDEWALKS AND RELATED STORMWATER APPURTENANCES, AND ACQUISITION OF NECESSARY RIGHT-OF-WAY AND EASEMENTS FOR THE IMPROVEMENT, CONSTRUCTION AND MAINTENANCE OF CITY STREETS, SIDEWALKS AND RELATED STORMWATER APPURTENANCES, AND FOR SUCH OTHER LAWFUL PURPOSES AS SPECIFIED HEREIN; TO BECOME EFFECTIVE ON THE 1ST DAY OF JANUARY, 2017, FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES AND FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT THE TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; AMENDING SECTION 22-16 OF CHAPTER 22 OF THE CODE OF ORDINANCES TO ADD A PERMANENT TAX FOR STREETS AND STORMWATER PURPOSES; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSES AS PROVIDED BY LAW; FIXING EFFECTIVE DATE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

11. Ordinances

- A. [15-295](#) Consideration, discussion and possible adoption of Ordinance No. 3358, an Ordinance closing a utility easement on property located on the westerly portion of Lot 1, Block 4, Berwick on Cedar Ridge, Blocks 2, 3, 4, 5, and 6, a subdivision in the City of Broken Arrow, Tulsa County, Oklahoma, generally located east of Mingo Road and one-quarter mile north of Florence Street; repealing all ordinances to the contrary; and declaring an emergency
- B. [15-304](#) Consideration, discussion and possible adoption of Ordinance No.

3359, an Ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 24, Water, Sewers and Sewage Disposal, Article VII Sewer services charges and rates; Section 24-704, Rates for sanitary sewer service established, deleting the reference to cost per 1,000 gallons, repealing all ordinances to the contrary; and declaring an emergency

12. Remarks and Inquiries by Governing Body Members

13. Remarks by Acting City Manager

14. Executive Session

Executive Session for the purpose of confidential communications between the Broken Arrow City Council, the Acting City Manager and the City Attorney, and possible action in open session on matters pertaining to potential litigation and/or claims regarding public improvements and infrastructure, including the retaining wall on real property located on the North side of Tiger Hill (on the Southwest corner of Lynn Lane and Kenosha), and taking appropriate action in open session under 25 O.S. §307(B)(4); and possible action on a pending litigation offer of settlement and taking appropriate action in open session in Green Acre Sod Farm v. City of Broken Arrow, a pending 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 and 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.

City Clerk