

**BROKEN ARROW CITY COUNCIL  
AGENDA  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
November 2, 2010**

**6:30 PM**

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
  - A. Approval of the regular meeting minutes of October 19, 2010
  - B. Acceptance of the minutes of the Planning Commission meeting held October 14, 2010
  - C. Approval of the 2011 City Meeting Calendar
  - D. Acceptance of the Downtown Advisory Board Vision Statement
  - E. Approval of a Workers' Compensation Court Order on Kevin Smith, a Fire Department employee.
  - F. Approval of Workers' Compensation Court Order on Mark Jackson, Street/Stormwater Department employee
  - G. Approval of and authorization to execute a Contract for Public Improvements for FY2008 Community Development Block Grant (CDBG) Program
  - H. Approval of and authorization to execute a Contract for Public Improvements for FY2009 Community Development Block Grant (CDBG) Program
  - I. Approval of and authorization to execute a Contract for Public Improvements for FY2010 Community Development Block Grant (CDBG) Program
  - J. Approval of and authorization to execute a Use Agreement between the City of Broken Arrow and Broken Arrow Seniors, Inc.
  - K. Approval of bids received, award of the lowest responsible bid, and authorization to execute a construction contract for Concrete Head and Wing Walls for a reinforced concrete box on 38th Street northeast of the intersection of Kenosha and 37th Street
  - L. Approval of bids received, award of the lowest responsible bid, and authorization to execute a construction contract for residential street mill and overlay in Vandever West Addition
  - M. Approval of and authorization to execute the Certificate of Exemption for Broken Arrow Heights 4th Addition Street Improvements (FY 2009 Community Development Block Grant Project)
  - N. Approval of and authorization to execute the Certification of Categorical Exclusion for Haskell Park Shade Structures and Parking (Fiscal Year 2007 Community Development Block Grant Project)

- O. Approval of BAZ 1857, 10.0 acres, A-1 to R-2, one-quarter mile south of Florence Street (111th Street), west of 37th Street (209th East Avenue) at 11390 S. 209th East Avenue
- P. Approval of BAZ 1859, 3.59 acres, A-1 to RS-1, one-quarter mile south of Florence Street (111th Street), one-quarter mile west of Aspen Avenue (145th East Avenue) at 11599 South 140th East Avenue
- Q. Acceptance of Utility Easement from Gerald E. Godfrey and Linda C. Godfrey (S9 T18N R14E) (Project: BAL 993)
- R. Approval of Final Acceptance for the Public Improvements at AEP Substation (71st & Bushnell)
- S. Approval of Final Acceptance for the Public Improvement at Applebees at Shops at Broken Arrow III
- T. Approval of Final Acceptance for the Public Improvement at Broken Arrow Public Schools Multipurpose Facility
- U. Approval of Final Acceptance for the Public Improvement at Oil Capital Electric
- V. Approval and ratification of October 19, 2010 Claims List
- W. Approval of the Claims List

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

**7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths**

- A. A public hearing on complaints or objections that may be made concerning the apportionment of lots regarding the improvements to the stormwater sewer systems of Steeple Chase Farms and Amended Glen Eagles
- B. Approval to hold a public hearing regarding adoption of Ordinance No. 3137 for the voluntary annexation of 48.4 acres located at the intersection of Washington (91st Street) and Oneta Road in part of the SW/4 of Section 15, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma; and granting a zoning classification
- C. Approval to hold a public hearing regarding adoption of Ordinance No. 3138 for the voluntary annexation of 92.8 acres of property located at the intersection of Washington (91st Street) and Oneta Road in part of the SW/4 of Section 15, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma; and granting a zoning classification
- D. Presentation by the Indian Nation Council of Governments on Developing a Regional Transit System Plan
- E. Appointments of and swearing in of Youth City Council members for school year 2010-2011

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services**

**9. General Council Business**

- A. Consideration and possible approval of Resolution 676, a resolution approving action taken by the Broken Arrow Municipal Authority authorizing the purchase of real property pursuant to a Lease Purchase Agreement
- B. Consideration and possible approval of Resolution 677, a Resolution approving the terms of, and authorizing the execution and delivery of a certain Sales Tax Agreement by and between the City of Broken Arrow, Oklahoma and Broken Arrow Economic Development Authority providing for the annual

appropriation for, and payment to Broken Arrow Economic Development Authority, subject to annual appropriations in each year, of an amount equal to one-eighth of one cent of the City of Broken Arrow's annual sales tax revenues, for use by Broken Arrow Economic Development Authority to repay certain indebtedness to Bank of Oklahoma, National Association, in the amount of up to \$9,715,000 over a term of up to twenty years from and after November, 2010, the proceeds of which said indebtedness shall be used to pay the costs of certain public infrastructure, the cost of providing certain economic development job retention incentives to FlightSafety International, Inc., the cost of certain Downtown Broken Arrow Development projects, and costs of and associated with the issuance of such indebtedness; and declaring an emergency

- C. Consideration of and Possible approval of Resolution 678, A Resolution approving certain indebtedness to be incurred by Broken Arrow Economic Development Authority (i) in the stated principal amount of up to \$9,715,000; approving the Trust's waiver of competitive bidding to permit the direct placement of said indebtedness; and declaring an emergency
- D. Consideration and possible approval of the City of Broken Arrow Purchasing Manual
- E. Consideration and possible acceptance of a statue to be donated to the City of Broken Arrow for location in Ray Herral Nature Park
- F. Consideration and possible approval of a request by "One to the Other Ministries" to close South University Parkway from New Orleans to Washington for a 5k and 10k run event on December 4, 2010
- G. Consideration and possible approval of nomination to reappoint of TJ Voskuhl to the Convention and Visitors Bureau
- H. Consideration of and possible approval of the nomination of Ernest Redwine to serve on the Downtown Advisory Board
- I. Consideration and possible approval of the nomination of Patsy Terry to serve on the Downtown Advisory Board

## **10. City Manager's Report**

- A. None

## **11. Preview Ordinances**

- A. An ordinance amending Chapter 23, Article II, Section 23-26, which pertains to Grounds for Towing of Vehicle from Roadway

## **12. Ordinances**

- A. Adopt Ordinance No. 3131, an ordinance closing a sanitary sewer easement in the Northwest Quarter of the Northeast Quarter of Section 8, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being a part of that certain sanitary sewer easement as described in Book 6145, Page 2095 in the records of the Tulsa County Clerk; and repealing all ordinances to the contrary.
- B. Adopt Ordinance No. 3137, annexing 48.4 acres of property located at the intersection of Washington (91st Street) and Oneta Road in part of the SW/4 of Section 15, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, granting a zoning classification; and declaring an emergency
- C. Adopt Ordinance No. 3138, annexing 92.8 acres of property located at the intersection of Washington (91st Street) and Oneta Road in part of the SW/4 of Section 15, Township 18 North, Range 15 East of the Indian

Base and Meridian, Wagoner County, State of Oklahoma, granting a zoning classification; and declaring an emergency

- D. Adopt Ordinance No. 3139, an ordinance providing that economic development, and specifically the provision of incentives for economic development to include infrastructure, tourism generation and job retention, are public functions and serve the public purpose of the support of the functions of the municipal government of the City of Broken Arrow, Oklahoma, and that all revenues raised, including sales tax proceeds, may be expended by the City of Broken Arrow, Oklahoma, for such purposes as infrastructure, tourism generation, job retention, and all other purposes as allowed by the ordinances of the City of Broken Arrow and the constitution and statutes of the state of Oklahoma; and providing that third parties, including the public trusts of which the City of Broken Arrow, Oklahoma, is a beneficiary, shall be entitled to rely upon pledges of such revenues for the obligations of the Broken Arrow Economic Development Authority, and other public trusts of which the City of Broken Arrow is a beneficiary, for economic development purposes as allowed by the ordinances of the City of Broken Arrow and the constitution and statutes of the State of Oklahoma; Specifically allowing the encumbrance of one-eighth (1/8) of one cent of the City's General Sales Tax Revenues pursuant to a Sales Tax Agreement and for purposes of the FlightSafety and Downtown Economic Development Project Plan; and Declaring an Emergency

**13. Remarks and Inquiries by Governing Body Members**

- 14. Executive Session** for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing negotiations concerning the IAFF employee group under 25 O.S. § 307(B)(2) and taking appropriate action in open session. 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 to matters relevant to City Council business*

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority 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 \_\_\_\_\_, 2010, at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
City Clerk

**BROKEN ARROW MUNICIPAL AUTHORITY  
AGENDA  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
November 2, 2010**

TIME: Immediately following the City Council Meeting which begins at 6:30 p.m.

**1. Call to Order**

**2. Roll Call**

**3. Consideration of Consent Agenda**

- A. Approval of the regular meeting minutes of October 19, 2010
- B. Approval and ratification of October 19, 2010 Claims List
- C. Approval of the Claims List

**4. General Authority Business**

- A. Adopt and authorize the Chairman to execute Resolution No. 674 adopting the Planning and Environmental Information Document for the proposed raw water intake and transmission line relocation for the Verdigris River Water Treatment Plant.
- B. Consideration and possible approval of Resolution Number 675, a resolution approving and authorizing execution of a Lease Purchase Agreement relating to the purchase of land for municipal use; approving and authorizing payment of fees and expenses; and approving and authorizing execution of other documents pertaining to said transaction

**5. Executive Session**

- A. None

**6. Adjournment**

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POSTED this \_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
City Clerk

**BROKEN ARROW ECONOMIC DEVELOPMENT AUTHORITY**  
**AGENDA**  
**COUNCIL CHAMBERS**  
**220 SOUTH FIRST STREET**  
**BROKEN ARROW, OKLAHOMA 74012**

**November 2, 2010**

TIME: Follows City Council meeting which begins at 6:30 p.m. and the Broken Arrow Municipal Authority meeting which immediately follows City Council

**1. Call to Order**

**2. Roll Call**

**3. Consent Agenda**

- A. Approval of the regular meeting minutes of October 19, 2010
- B. Approval of and ratification of October 19, 2010 Claims List
- C. Approval of the Claims List

**4. Presentations, Status Reports, and General Discussion**

- A. None

**5. General Authority Business Requiring Action**

- A. Consideration and possible approval of Resolution 679, a Resolution approving the issuance of certain indebtedness (a) in the stated original principal amount of up to \$9,715,000 for purposes of financing the costs of certain infrastructure improvements, certain economic development job retention incentive payments, expenditures directly relating to the City of Broken Arrow's Downtown Development Project, and paying costs of and relating to the issuance of such indebtedness; setting forth the terms, provisions and security for such indebtedness; providing for the payment thereof certain revenues of the authority; approving and authorizing the execution and delivery of the instruments providing for, evidencing and securing such indebtedness and setting forth the rights and remedies of the holders of such indebtedness; waiving competitive bidding and authorizing the placement of said indebtedness on a negotiated basis; authorizing and directing that the officers of Broken Arrow Economic Development Authority to cooperate in the issuance and placement of such indebtedness; authorizing certain supplements hereto; and other matters
- B. Receipt and consideration of bids for and possible action awarding the issuance of a Sales Tax Revenue Note, Taxable Series 2010 in the principal amount of \$9,715,000 and authorization to execute the pertinent documents related thereto
- C. Consideration and discussion of an economic development agreement to incentivize location of a restaurant/tavern in the area of downtown and direction for the draft of a Memorandum of Understanding with Jason Scarpa

**6. Public Comments Regarding Matters Related to Authority Business But Not On The Agenda (NOTICE: No action may be taken on items that are not on the meeting agenda)**

**7. Remarks and Inquiries by Authority Members**

**8. Executive Session**

A. None

**9. Adjournment**

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City Clerk