

**BROKEN ARROW CITY COUNCIL  
AGENDA  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
September 21, 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 September 7, 2010
  - B. Acceptance of minutes of Planning Commission meeting held August 26, 2010
  - C. Approval of and authority to execute an Assignment of Contract No. 50405 to the Broken Arrow Municipal Authority (BAMA) to pay for the design of the Adams Creek Northwest Sanitary Sewer Project
  - D. Approval of Resolution No. 671 requesting Transportation Enhancement Funds for Phase 4 of Liberty Parkway Trail to extend to Events Park
  - E. Approval of Unrepresented Joint Petition Settlement Offer on Jeffery Johnson, Street Department Employee
  - F. Ratification of the Workers Compensation Joint Petition Settlement Agreement between the City of Broken Arrow and Stephen B. Smith, former Police Department employee
  - G. Approval of and authorization to execute a contract for professional services with Family & Children's Services for Fiscal Year 2010-2011.
  - H. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Amateur Basketball Association (BAABA), for use of the Central Park Community Center gymnasiums and the Nienhuis Park Community Center gymnasiums for a youth basketball program, from the date of execution through March 31, 2011
  - I. Approval of Work Order Number W035 to Contract ST1106, Portland Cement Concrete Street Repairs
  - J. Approval of bids received and award of the most advantageous bid for the purchase of a 12 foot commercial rotary mower for the Parks Department
  - K. Approval of bids received and award of the most advantageous bid to purchase and replace three HVAC units
  - L. Approval of Request for Dismissal of BACP 65, PUD 170 and BAZ 1718, Southfork Plaza Shopping Center, 35.67 acres, 4 lots, A-1 and R-1 to C-2 and PUD 170, southeast corner of Elm Place (161st East Avenue) and Florence Street (111th Street)
  - M. Approval of BAZ 1852, Meier, 3.37 acres, AR-1 to RS-1, south of Florence Street (111th Street), one-eighth mile west of 23rd Street/County Line Road (193rd East Avenue)
  - N. Approval of PT10-101, Conditional final plat, Korean Church, 3.28 acres, 1 lot, R-1 (ON-BAZ 1843), southeast corner of Olive Avenue (129th East Avenue) and 68th Street South
  - O. Approval of PUD 206, Tucson Village, 80.32 acres, BAZ 1851, A-1 to RS-3, CN, and FD, southwest corner of 23rd Street (County Line Road/193rd East Avenue) and Tucson Street (121st Street)

P. Acceptance of a Deed of Dedication and Warranty Deed for a parcel of land being transferred to the City of Broken Arrow from Deutsche Bank National Trust Company in its capacity as indenture trustee for the note holders of Aames Mortgage Investment Trust 2005-2 located at Lot 14, less east 20 feet of South 165 thereof, and the west 20 feet of North 165 feet of Lot 14, of Resurvey Plat of Arrow Wood Estates 2, a subdivision of part of Lot 2 and Sec. 1/4 of NW/4 of Section 31, Township 18 North, Range 15 of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the recorded plat thereof. (Also known as 19876 East 114th Street South) and authorization to pay for the demolition of the costs of demolition and abatement

Q. 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 and Presentation of the Proposed Broken Arrow FlightSafety and Downtown Economic Development Project Plan for the Purpose of Providing an Opportunity for Questions and Answers Regarding the Proposed Project Plan; and Consideration, Approval, and Announcement of October 5, 2010, as the Date of the Second Public Hearing and Presentation of the Proposed Broken Arrow FlightSafety and Downtown Economic Development Project Plan, at which Any Interested Persons Shall Have the Opportunity to Be Heard in Support of or Opposition to the Proposed Project Plan Prior to Any City Council Action with Regard to Adoption of the Proposed Project Plan.

B. Approval of and authorization to execute a Proclamation proclaiming September 23, 2010 as "Water Conservation Day" in Broken Arrow

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

## **9. General Council Business**

A. Approval of and authorization for the Mayor to execute Resolution 669 of the Broken Arrow City Council approving a certain Economic Development Agreement by and between the Broken Arrow Economic Development Authority and the Oklahoma Turnpike Authority providing for the construction of the Aspen Interchange of the Creek Turnpike; Assigning a certain Architect/Engineer Contract with Cobb Engineering Company to the Broken Arrow Economic Development Authority; Transferring certain monies to the Broken Arrow Economic Development Authority and Authorizing the expenditure thereof; designating representatives of the City of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said agreements; and containing other provisions relating thereto

B. A Resolution of the Broken Arrow City Council approving and ratifying a certain Economic Development Agreement by and between the Broken Arrow Economic Authority and Two T's Broken Arrow, L.L.C. providing for improvements to North 38th Street and Reserve Area "A" as depicted on the plat of Northeast Crossroads; Assigning a certain construction contract with Becco Contractors, Inc. to the Broken Arrow Economic Development Authority; Ratifying prior payments, transferring payments, transferring certain monies to the Broken Arrow Economic Development Authority and authorizing the expenditure thereof; Accepting a stormwater drainage and utility easement from Two T's Broken Arrow, L.L.C.; And containing other provisions relating thereto

C. Consideration of and possible approval of a Legal Notice of Public Hearing to establish a time for holding a hearing on any complaints or objections that may be made concerning apportionment of the costs of construction for improvements to the stormwater systems in SteepleChase Farms and Amended Glen Eagles Subdivisions and direction for publication and notice in accordance with state statute

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

A. None

## **11. Preview Ordinances**

- A. An ordinance approving and adopting the Broken Arrow FlightSafety and Downtown Economic Development Project Plan; Designating and adopting project area and increment district boundaries; Establishing a date for the creation of increment district number one, City of Broken Arrow; adopting certain findings; Authorizing the City of Broken Arrow to carry out and administer the project plan; Establishing a tax apportionment fund; Declaring apportioned funds to be special funds of the City of Broken Arrow or an alternative authorized entity; Authorizing the use of ad valorem and sales tax increment revenues for the payment or financing of certain project costs; Authorizing the use of other resources to pay for or finance project costs; Authorizing the Broken Arrow Economic Development Authority or an alternative authorized entity to issue bonds or other indebtedness and carry out certain provisions of the Project Plan; Ratifying and confirming the actions, recommendations and findings of the Review Committee and the Planning Commission; Directing continuing apportionment; Providing for severability; Declaring an emergency
- B. An ordinance changing the name of South University Avenue to South University Parkway on the Northeastern State University Broken Arrow Campus, an addition to the City of Broken Arrow
- C. An ordinance changing the name of West Albany Place to West Albany Drive in Stone Ridge Towne Center, an addition to the City of Broken Arrow

**12. Ordinances**

- A. Adopt Ordinance No. 3124, an ordinance amending Chapter 23, Article II, Section 23-88, which pertains to Careless driving; failure to devote full time and attention; and repealing all ordinances or parts of ordinances in conflict herewith 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, FOP and CWA employee groups under 25 O.S. § 307(B)(2) and taking appropriate action in open session; and discussing an offer of settlement and taking appropriate action in open session in Smokey Catron v. City of Broken Arrow, Workers' Compensation Court Case Numbers 2008-03936-R and 2009-02640-F, under 25 O.S. §307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending 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 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