

**BROKEN ARROW CITY COUNCIL  
AGENDA  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
February 17, 2015**

**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 meeting minutes of February 3, 2015
  - B. Acceptance of minutes of Planning Commission meeting held January 8, 2015
  - C. Approval of and authorization to execute Amendment No. 1 to Cherokee Pride Construction, Inc., for a one-year renewal of the 2013 non-encumbered contract for Portland Cement Concrete Street Repairs
  - D. Approval of and authorization to execute a Professional Services Contract between the City of Broken Arrow and Story & Associates for Real Estate Appraisal Services, 9th Street Roadway Improvements, Houston Street to North of Elgin Street
  - E. Approval of and authorization to execute a Professional Services Contract between the City of Broken Arrow and Universal Field Services, Inc., for Right of Way and Easement Acquisition for the 23rd Street, Kenosha to Houston Improvements Surface Transportation Program project
  - F. Review of bids received and award of the most advantageous bid to Bob Hurley Ford for the purchase of one (1) 1-Ton Crew Cab four wheel drive pickup pursuant to the State Contract
  - G. Review of bids received, award of the lowest and best bid to Mac Construction, Inc., and approval of and authorization to execute a construction contract for Henshaw Industrial Park Mill and Overlay
  - H. Review of bids received and award of the most advantageous bid to OCT Equipment for the purchase of an asphalt roller
  - I. Review of bids received and award of the most advantageous bid to Stay Alert Safety Services for the purchase two (2) solar powered 3-line message boards
  - J. Review of bids received and award of the most advantageous bid to Yellowhouse Machinery for the purchase of a 3-yard wheeled loader
  - K. Approval of Final Acceptance for the Public Improvement for Church of Saint Benedict located at 2200 West Ithica Street
  - L. Approval of BAZ 1928, Bouse Fur House, 2.91 acres, IH to IL, one-half mile south of Kenosha Street, one-third mile east of Aspen Avenue
  - M. Approval of PUD 44J, Greenway Business Park, 2.00 acres, PUD 44/IL, east of Aspen Avenue, one-half mile south of Albany Street

- N. Acceptance of a Drainage Easement on an unplatted portion of property adjacent to and west of 51 Aspen RV Storage, located south of State Highway 51 and west of Evans Road from land owner Larry L. Allison Revocable Trust (S20 T18N R15E)
- O. Acceptance of Detention Easement located approximately one third mile south of Albany Street and east of Aspen Avenue from Total Radio (S03 T18N R14E)
- P. Acceptance of a Temporary Construction Easement on an unplatted lot belonging to Stone Horse, LLC, east of Olive Avenue, one-half mile north of Jasper Street, Broken Arrow, Tulsa County, State of Oklahoma (Section 04, T17N, R14E)(Stone Horse Subdivision)
- Q. Approval of the Claims List

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

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

- A. None

**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. Consideration, discussion, possible approval, and authorization to publish the Notice of Availability of Annual Audit for Fiscal Year 2013-2014
- B. Consideration, discussion, possible acceptance of General Warranty Deed for property 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); and Ratification of Mayor Craig Thurmond's participation and actions at the property closing held on January 30, 2015, at Commercial Title and Escrow Services, Inc. between Roland Investments, Ltd. and the City of Broken Arrow for the purpose of transferring the General Warranty Deed on the proposed Hotel-Conference Center property from Roland Investments, Ltd. to the City of Broken Arrow as previously approved by Council on September 15, 2014
- C. Consideration, discussion, possible approval, and authorization to execute a Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and City of Broken Arrow, Oklahoma
- D. Consideration, discussion, possible approval, and authorization to execute Resolution No. 870, a Resolution authorizing the City Attorney to agree to entry of judgment without admitting liability in the matter of Jered Henry and Christina Henry, natural parents on behalf of their minor child, L.M.H. v. Jordan Hunter, et al., Tulsa County District Court Case Number CJ-2014-1277 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry incorporating the Resolution of the Court's approval, pursuant to 51 O.S. §158
- E. Consideration and possible approval of BAZ 1929, Sunrise Estates, 0.24 acres, AR-2 to R-2, one-half mile north of Dearborn Street, east of 209th East Avenue

**10. Preview Ordinances**

- A. Consideration, discussion and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 23, Traffic, Article II, Operation of vehicles generally, Section 23-53, Speed Limits; Section 23-56, Limitations on turning u-turns; Section 23-60 Right-of-way when turning left; Section 23-61, Through streets and stop or yield intersections - How designated and marked; specifically amending those sections to become in compliance with State Statute, Section 23-62 Same - Yielding right-of-

way at stop intersection; specifically amending to allow persons to proceed at intersection without yielding if directed to do so by a police officer or traffic control signal, Section 23-65 Duty to stop at railroad crossing upon approach of train; driving through, around or under crossing gate or barrier prohibited; specifically requiring any Class A, B, or C commercial vehicles that are not required to stop at all railroad crossings per State Law to slow down and check that the tracks are clear of an approaching train Section 23-66 Certain vehicles to stop at all railroad crossings; specifically requiring commercial vehicles to comply with railroad crossings provisions as prescribed by federal law, 23-67 Procedure upon approach of authorized emergency vehicle; specifically amending to be in compliance with State Statute and clarifying that a driver is required to yield to a police vehicle making use of an audible or red flashing lights, Section 23-67.1 Driver of a motor vehicle approaching a stationary authorized emergency vehicle, wrecker or two vehicle; specifically amending to include only licensed Class AA wreckers, Section 23-68 Meeting or overtaking stopped school bus or church bus; specifically amending to become in compliance with State Statute; repealing all ordinances to the contrary; and declaring an emergency

## **11. Ordinances**

- A. Consideration, discussion and possible adoption of Ordinance No. 3302, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1910, granting a RS-1 zoning classification be placed upon the tracts, located one-half mile east of Elm Place, one-third mile north of Jasper Street; and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. Consideration, discussion and possible adoption of Ordinance No. 3308, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1915 and PUD 67B (Blue Bell Creameries Expansion), granting an IL zoning classification be placed upon the tracts, located south of Houston Street, east of Highway 51, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. Consideration, discussion and possible adoption of Ordinance No. 3310, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1906, granting a RS-1 zoning classification be placed upon the tracts, located one-half mile south of New Orleans Street, east of 23rd Street in Arrowwood Estates 1 and 2 subdivision repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. Consideration, discussion and possible adoption of Ordinance No. 3331, an ordinance closing a detention easement on property located on part of the Southwest Quarter (SW/4), Northeast Quarter (NE/4) of Section 4, Township 18 North, Range 14 East, Tulsa County, Oklahoma, generally located approximately one-half mile south of West Albany Street, east of North Olive Avenue (AG Industrial Park East); repealing all ordinances to the contrary; and declaring an emergency
- E. Consideration, discussion and possible adoption of Ordinance No. 3332, an Ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 23, Traffic, Article I, In General, Section 23-1 Definitions, specifically adopting definitions for words and phrases when used in this Chapter as defined by State Statute; Section 23-11 Size and weight of vehicles, specifically deleting subsection (b) to be in compliance with State Statute; Section 23-18 Riding on portion of vehicle not intended for passengers, clarifying the fine and court costs that can be imposed; Section 23-19 Clinging to vehicles, specifically amending to be in compliance with State Statute; Section 23-33 Unattended children or vulnerable adults left in vehicles, specifically defining the term motor vehicle and clarifying the fines and costs that may be imposed; Section 23-35 Owners security verification form required; Section 23-36 Operators and front seat passengers to wear safety belts,; Section 23-37 Use of child passenger restraining system required; exceptions; penalty; Article II, Operation of Vehicles Generally, Section 23-47 Duty to drive on right side of roadway; Section 23-50 Same-Duty of driver of overtaken vehicle; Section 23-52 Same-No-passing zones; specifically amending these sections to become in compliance with State Statute; 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**

- A. Executive Session for the purpose of confidential communications between the City Council, the Acting City Manager, and the City Attorney, regarding pending litigation and offers of settlement and taking appropriate action in open session in Robin Walker 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 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 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