

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
January 6, 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 December 15, 2014
 - B. Acceptance of minutes of the Planning Commission meeting held November 20, 2014
 - C. Approval of and authorization to accept Esurance Property and Casualty Insurance Company's offer to settle a claim for vehicle loss, declaring the vehicle surplus and releasing it to Esurance Insurance
 - D. Rejection of bid proposals received for a tractor with mower and authorization for staff to re-issue the request for bid to include a cab and snow removal equipment
 - E. Review of bids received, award of the lowest and best bid to Tri-Star Construction, LLC, and approval of and authorization to execute a construction contract for Iola Street and Cedar Avenue Improvements
 - F. Waiver of Competitive Bidding and approval to purchase Granicus Legislative Management Suite, electronic agenda creation software, from the Winvale Group, and approval for monthly service fee through the end of fiscal year 2015
 - G. Approval to purchase additional options for Police Utility Interceptor Vehicles previously awarded to Bob Hurley Ford to include noise suppression straps, keyless entry with additional remotes, front headlight prep for LED strobes, dark car feature and remappable steering wheel switches at a cost of \$7,215.00
 - H. Approval of PUD 231 and BAZ 1924, Mullin Plumbing, 19.46 acres, A-1 to IL, east of County Line Road, south of College Street, one-quarter mile north of Houston Street, and west of Old Highway 51
 - I. Acceptance of a Utility Easement located in Lots 8 and 9, Block 3, of Berwick Fairways II of Broken Arrow, Tulsa County, Oklahoma
 - J. Acceptance of a Utility Easement on an unplatted lot belonging to KWD Investments II Limited Partnership, near the southwest corner of West Florence and South Elm Place, Broken Arrow, Tulsa County, State of Oklahoma (Section 34, T18N, R14E)(Icon Apartments)

K. Acceptance of a Temporary Construction Easement on an unplatted lot belonging to KWD Investments II Limited Partnership, near the southwest corner of West Florence and South Elm Place, Broken Arrow, Tulsa County, State of Oklahoma (Section 34, T18N, R14E)(Icon Apartments)

L. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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

A. Presentation and discussion of the February 10, 2015 Broken Arrow Public Schools Bond Election

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, possible approval and authorization to execute an agreement between the Board of County Commissioners of Tulsa County, Oklahoma and the City of Broken Arrow, Oklahoma

B. Consideration, discussion, possible approval and authorization to execute Resolution No. 867, a Resolution of the Broken Arrow City Council providing notice of and calling for a non-partisan general election, if needed, for its officers to be held on Tuesday, April 7, 2015

C. Consideration and possible approval of PUD 232 and BAZ 1925, Rib Crib, 1.30 acres, R-2, CN, and CH to CN/PUD 232, south side of Kenosha Street between Ash Avenue and Main Street

D. Consideration and possible approval of the appointment of Ms. Amy Leet for position number 5, to the Downtown Advisory Board for a term beginning January 2015 and ending October 2017

E. Consideration, discussion, possible approval of and authorization to execute an Executive Search Agreement with Affion Public, LLC

10. Preview Ordinances

A. Consideration, discussion and possible preview of an ordinance amending Chapter 14, Municipal Court; Article I, In general; Section 14-33, Judgment of guilty may direct imprisonment until fine and costs satisfied; working of prisoners, specifically amending the rate that a defendant shall be given for work performed to be credited to their outstanding fines owed as required by state statute; repealing all ordinances to the contrary; and declaring an emergency

B. Consideration, discussion and possible preview of an ordinance amending Chapter 16, Offenses, Sec. 16-10. - Furnishing of tobacco products to minors; Sec. 16-10.1. Purchase of tobacco products by minors; Sec. 16-10.2 - Notice to retail employees; signed acknowledgment; Sec. 16-10.3. - Limited access to cigarette vending machines; Sec. 16-10.4. - Distribution of tobacco product samples; Sec. 16-10.6. - No public access to tobacco, specifically expanding to include vapor products; Sec. 16-16. - Traffic collision resulting in injury or death or property damage exceeding certain amount; reports; confidentiality; prohibiting the examination or reproduction for commercial solicitation, specifically including a mandate required by State Statute to require law enforcement to forward collision report cases to the Department of Public Safety; Sec. 16-18. - False or bogus checks, etc., specifically amending to become in compliance with State Statute; Sec. 16-20. - Promiscuous distribution of handbills and circulars, specifically removing subsection (b) to become in compliance with rulings made by the United States Supreme Court; Sec. 16-28. - Possession of

marijuana and controlled dangerous substances, specifically conforming definitions to State Statute; Sec. 16-29. - Harassing phone calls prohibited, specifically expanding to include all telecommunications and electronic communications; Sec. 16-32. - Requiring hotels, motels and boarding houses to maintain a register of all guests, allowing for access to the register, prohibiting certain conduct and providing penalties, specifically amending to become in compliance with State Statute; Repealing Sec. 16-43. - Escape from lawful confinement by prisoner, such prohibited act is a felony and is regulated by State Statute; and Repealing Sec. 16-48. - Firearms prohibited on public property; exceptions; such regulation is preempted by State Statute; repealing all ordinances to the contrary; and declaring an emergency

- C. Consideration, discussion and possible preview of an ordinance amending Chapter 24, Water, Sewers and Sewage Disposal, Article III, Requirements for sewer service, Section 24-304, Determination of charge; specifically providing for a minimum monthly charge and a charge for metered water consumption established monthly and based upon the average metered water usage billed in the months of January, February, and March; repealing all ordinances to the contrary; and declaring an emergency
- D. Consideration, discussion and possible preview of an ordinance amending Chapter 24, Water, Sewers and Sewage Disposal, Article VII, Sewer service charges and rates, Repealing Section 24-701, Sanitary sewer flat service charge; repealing all ordinances to the contrary; and declaring an emergency
- E. Consideration, discussion and possible preview of an ordinance closing Utility Easements in part of Lot 1, Block 3, 61st Street Industrial Park, City of Broken Arrow, Tulsa County, State of Oklahoma, generally located one-quarter mile south of Albany Street and one-half mile west of Aspen Avenue (AG Industrial Park East); repealing all ordinances to the contrary; and declaring an emergency
- F. Consideration, discussion and possible preview of an ordinance closing a Utility Easement in parts of Lots 5 and 6, Block 1, 61st Street Industrial Park, City of Broken Arrow, Tulsa County, State of Oklahoma, generally located approximately one-quarter mile south of Albany Street, one-half mile west of Aspen Avenue (AG Industrial Park East); repealing all ordinances to the contrary; and declaring an emergency
- G. Consideration, discussion and possible preview of an ordinance closing a Utility Easement located on Lots 8 and 9, Block 3, of Berwick Fairways II of Broken Arrow, Tulsa County, Oklahoma; generally located approximately one-half mile north of West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency
- H. Consideration, discussion and possible preview of an ordinance partially closing a Utility Easement in Spring Creek of Broken Arrow, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located south of West Tucson Street and one eighth of a mile West of South Aspen Avenue; repealing all ordinances to the contrary; and declaring an emergency

11. Ordinances

- A. Consideration, discussion and possible adoption of Ordinance No. 3318, an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 4, Alcoholic Beverages, Article 1, General Provisions, Section 4-1 Definitions; specifically clarifying that terms used in Chapter 4 shall be in conformity with definitions in the Oklahoma Alcoholic Beverage Act and definitions set forth in Subsection (b), Article II, Offenses by Members of General Public, Section 4-14, Possession by minors and Article III, Offenses by Licensees or by employees of Able Commission licensees, Section 4-21, Minors prohibited from entering or loitering about premises; specifically clarifying who a licensee can employ and allowing employees who are under the age of 21 to be permitted on

the licensee premises; Section 4-30 Prohibition upon beer and wine, mixed beverage, caterer, or special event licensee, and upon managers, operators, agents or employees thereof; specifically clarifying when a licensee is deemed to be on duty; Article IV, Taxes and enforcement of licensing provisions, Section 4-47 Issuance of certificate of zoning and certificate of compliance; specifically adding reference to the International Building Codes; Article V, Low-Point Beverages, Section 4-85 Definitions; specifically clarifying the definition of Low-point beer; repealing all ordinances to the contrary; and declaring an emergency

- B. Consideration, discussion and possible adoption of Ordinance No. 3319 amending the Broken Arrow Code of Ordinances by amending the Broken Arrow Zoning Code, Chapter 1, General Provisions, Section 1.4, Applicability and Jurisdiction by creating subsection E, Zoning Clearance Permit; 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, and possible action in open session regarding Jered Henry and Christina Henry, natural parents on behalf of their Minor child, L.M.H. vs. Jordan Hunter, et al., Tulsa County District Court Case Number CJ-2014-1277, 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 for possible discussion, 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