

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
July 19, 2011**

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 July 5, 2011
 - B. Acceptance of minutes of the Planning Commission meeting held June 23, 2011
 - C. Approval of and authorization to execute Budget Amendment Number 1 for Fiscal Year 2011-2012
 - D. Approval of the Revised Parks and Recreation Department Policy for use of parks and recreation facilities
 - E. Approval of the Memorandum of Understanding with Will Vaughn in regard to back pay and benefits owed as a result of an arbitrator's decision reinstating his employment
 - F. Approval of and authorization to execute an Attorney Engagement Agreement between the City of Broken Arrow and David Lee and the Lee Law Center
 - G. Approval and authorization to execute a License Agreement between American Society of Composers, Authors and Publishers ("Society") and the City of Broken Arrow, Oklahoma
 - H. Approval and authorization to execute the Amendment to the City of Broken Arrow Golf Course Management Agreement
 - I. Approval of and authorization to execute a Contract with Deatherage Associates LLC for Life Safety and International Fire Code, Plan Review Purposes
 - J. Approval of and authorization to execute a Contract with the Metropolitan Tulsa Transit Authority to provide public transportation services for Fiscal Year 2011-12
 - K. Approval of and authorization to execute City of Broken Arrow Annual Services Contract with Broken Arrow Seniors, Inc.
 - L. Approval of and authorization to execute an Amended Use Agreement between the City of Broken Arrow and Broken Arrow Seniors, Inc.

- M. Approval of and authorization to execute a Use Agreement between the City of Broken Arrow and the Broken Arrow Youth Football Association (BAYFA) for use of Nienhuis Park Football Fields
- N. Consideration, approval, and authorization to execute Resolution No. 706, a Resolution authorizing execution of a contract with the Oklahoma Department of Transportation (ODOT) for the Indian Springs Elementary School Trail Safe Routes to Schools project
- O. Approval of and authorization to execute Resolution No. 707 to request programming of FFY 2015 Tulsa Urbanized Area Surface Transportation Funds for 23rd Street Improvements between Kenosha and Houston Streets
- P. Approval of and authorization to accept State Farm Insurance Company's offer to settle a claim for vehicle loss, declaring the totaled vehicle surplus and releasing it to State Farm Insurance Company
- Q. Approval of conditional final plat of Aspen Creek Town Centre II, PT11-105, 19.47 acres, 2 lots, A-1 to CG, west of Aspen Avenue (145th East Avenue), north of the Creek Turnpike
- R. Approval of Final Acceptance for the Public Improvement at Enerflow Industries, located on 23rd Street between Omaha and Albany
- S. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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

- A. Conduct a public hearing regarding the Police Department application for the Edward Byrne Memorial Justice Assistance Grant (JAG), and authorization to submit the grant application as presented
- B. Consideration and possible action on Appeal of Building Permit determination By Exterran
- C. Presentation regarding nuisance abatement, mowing and clean-up of undeveloped lots in Belle Trace II by resident Dave Robinson, Broken Arrow, Oklahoma

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 BACP 116, Lynn Lane Business Plaza, 7.28 acres, 1 lot, Levels 2 and 3 to Level 4, north of Albany Street (61st Street), one-quarter mile east of 9th Street (Lynn Lane/177th East Avenue)
- B. Consideration and possible approval of BACP 119, Oakland Place, 5.76 acres, 1 lot, Level 6 to Level 3, one third mile west of Aspen Avenue (145th East Avenue), one quarter mile north of Kenosha Street (71st Street), north of the intersection of Elder Avenue and Oakland Place

- C. Approval of bids received, award of the most advantageous, approval of the sale of \$5,000,000 in principal amount of Series 2011A General Obligation Bonds, and authorization to execute the pertinent documents related thereto
- D. Approval of bids received, award of the most advantageous bid, authorization for the sale of \$11,450,000 in the principal amount of Series 2011B General Obligation Bonds and authorization to execute the pertinent documents related thereto
- E. Consideration and possible approval of Community Development Block Grant ("CDBG") FY2011 Social Services Funding and Authorization to Execute Corresponding Social Services Contracts
- F. Assignment of Contract No. ST 0915, a contract for the construction of the ingress and egress ramps to the Creek Turnpike at Aspen Avenue with Sherwood Construction
- G. Consideration, possible approval and authorization to execute the labor agreement between the City of Broken Arrow and the Communication Workers of America, District Six for the period July 1, 2011 through October 31, 2011
- H. Consideration and possible approval of a 1% general wage increase to all non-union employees; and authorization for a 1% general wage increase if gross sales tax collections exceed \$31,809,578.32 as determined June 15, 2012 or a 2% general wage increase if gross sales tax collections exceed \$32,412,300.98 as determined on June 15, 2012; providing that all general wage increases are retroactive to July 1, 2011
- I. Consideration and possible approval to execute a contract with CivicPlus for changeover/redesign of City Web site
- J. Consideration and possible nomination of Lee Whelpley to fill a vacancy on the Downtown Advisory Board created by the resignation of Jack Keeling

10. City Manager's Report

- A. Report on current City water usage

11. Preview Ordinances

- A. An ordinance partially closing a utility easement dedicated to the public in a tract of land situated in H. Cecil Rhoades Elementary School, a subdivision in the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof; and providing for reservation of rights within the closed easement

12. Ordinances

- A. Adopt Ordinance Number 3167, an ordinance providing for the issuance of \$5,000,000 General Obligation Bonds, Series 2011A by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue and declaring an emergency

- B. Adopt Ordinance Number 3168, an ordinance providing for the issuance of \$11,450,000 General Obligation Bonds, Series 2011B by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue and declaring an emergency
- C. Adopt Ordinance No. 3169 amending the City of Broken Arrow Land Subdivision Code Section 4.1.w, related to right-of-way dedication at arterial street intersections

13. Remarks and Inquiries by Governing Body Members

14. Executive Session for the purpose of confidential communications (and taking appropriate action in open session) between the City Council, the City Manager, and the City Attorney for the purpose of discussing the FOP and IAFF employee groups and fiscal year 2012 negotiations, under 25 O.S. §307(B)(2); and litigation involving Ruth Samuel, as Personal Representative of the Estate of Nathan Samuel, Deceased v. City of Broken Arrow, et. al., United States District Court for the Northern District of Oklahoma Case Number 10 CV-683 GKF TLW; and Robert Baird v. City of Broken Arrow, Workers Compensation Court of Oklahoma, Case Number 2010-12406L, 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 the City Council's business

All cell phones and pagers must be turned OFF or operated SILENTLY during 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 _____, 2011, at _____ a.m./p.m.

City Clerk