

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
September 6, 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 the meeting minutes of August 16, 2011
 - B. Acceptance of minutes of the Planning Commission meeting held August 11, 2011
 - C. Approval of and authorization to execute Budget Amendment Number 2 for Fiscal Year 2011-2012
 - D. Approval of and authorization to execute Budget Amendment Number 3 for Fiscal Year 2011-2012
 - E. Approval of the Workers' Compensation Court Order for Rodney Castleman, a Street and Stormwater Department employee
 - F. Approval of the Workers' Compensation Court Order for John Sullivan, a Utilities Department employee
 - G. Approval of and authorization to execute Amendment No. 1 to Architect-Engineer contract with BKL, Inc., for assistance during construction of Fire Station No. 2 located on the west side of Aspen Avenue (145th E. Ave.) north of Liberty Parkway (South Loop Creek Turnpike)
 - H. Approval of and authorization to execute a Use Agreement between the City of Broken Arrow and Broken Arrow Seniors, Inc. for use of Main Place for the Senior Program and Senior Nutritional Program
 - I. Approval of and authorization to execute a Use Agreement between the City of Broken Arrow and the Broken Arrow Soccer Club (BASC) for use of the Indian Springs Sports Complex for the youth soccer program
 - J. Approval of bids received and award the most advantageous bid to Custom Services Inc. for the purchase and installation of three replacement rooftop HVAC package units at the Police Department facility
 - K. Approval of bids received and award the most advantageous bid to P&K Equipment for the purchase of a 4WD utility tractor for the Parks Department
 - L. Approval of PUD 191A/BAZ 1868, Oakland Place, 8.70 acres, 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 Place and Oakland Place
 - M. Approval of Conditional final plat, Sterling Heights II Addition, PT11-103, 9.09 acres, 1 lot, PUD 98A, A-1, one-third mile south of New Orleans Street (101st Street), east of Aspen Avenue (145th East Avenue)

- N. Approval of Final Acceptance for the Public Improvements for Air Hygiene, located at 1600 W. Tacoma
- O. Approval of the Claims List
- 6. Consideration of Items Removed from Consent Agenda**
- 7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths**
 - A. Proclamation declaring support of the National September 11 Moment of Remembrance, and encouraging all to pause for one minute of remembrance at 12:00 p.m. Central Daylight Time on September 11, 2011
- 8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services**
- 9. General Council Business**
 - A. Ratification of a Lease Agreement between the City of Broken Arrow and Independent School District No. 3 of Tulsa County, Oklahoma, a/k/a, Broken Arrow Public Schools, for Real Property located at 112 South Main Street, Broken Arrow, Oklahoma
 - B. Consideration and possible approval of assignment of an Agreement between the City of Broken Arrow and Charles Sanders Homes, Inc. located ½ mile south of Washington Street on the East side of Aspen Avenue to the Broken Arrow Municipal Authority
 - C. Consideration and possible approval of Resolution No. 712, a Resolution authorizing the City Attorney to confess judgment on behalf of the City without admitting liability in the United States District Court for the Northern District of Oklahoma, David Geiger v. City of Broken Arrow, et al., Case Number 11CV-179CVE and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry incorporating this Resolution for the Court's approval
 - D. Consideration and possible approval of Resolution No. 713, a Resolution of the Broken Arrow City Council approving the Preliminary Construction Plans, Specifications and Estimates of Probable Cost for the Improvements to the Utility System by extending the water and sewer lines through the proposed subdivision of Highlands IV and to the properties owned by the City of Broken Arrow and the Broken Arrow Public Schools and by providing a loop for a water system to a new water line along Oneta Road and 91st Street, and providing for compliance with the provisions of 11 O.S. § 37-212
 - E. Consideration of and possible selection and approval of voting and alternate voting delegates for the National League of Cities Annual Business Meeting on November 12, 2011
- 10. City Manager's Report**
 - A. None
- 11. Preview Ordinances**
 - A. An Ordinance amending Chapter 2, Article IX Employee Rules and Regulations, Section 2-152 of the Broken Arrow Code Pertaining to Vacation Leave; Repealing all Ordinances to the Contrary; and Declaring an Emergency
 - B. An ordinance amending the Broken Arrow Nuisance Code, Chapter 15; and adopting the 2009 International Property Maintenance Code as the Property Maintenance and Existing Structures Code
 - C. An ordinance changing the Zoning Ordinance (Ordinance No. 2931), Temporary Uses and Structures, Section 3.4.B, (creating/new) 5. (page 32)

- D. An ordinance changing the Zoning Ordinance (Ordinance No. 2931), Section 5.4 Development Standards, 5.4.K, Parking in Residential Zoned Districts

12. Ordinances

- A. Adoption of Ordinance No. 3173 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1850, BAZ 1853, BAZ 1854, BAZ 1855 granting CG and IL zoning and PUD 205, PUD 205A and PUD 205B and SP 103 classification to be placed upon the tract which is located on the southwest corner of Kenosha Street and 9th Street (Lynn Lane); repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency
- B. Adoption of Ordinance No. 3174 amending Chapter 2, Article III Sale of Surplus or Obsolete Supplies, Materials, and Equipment, Sections 2-39, 2-41, and 2-42 of the Broken Arrow Code and Specifically providing for language providing for disposal of surplus property and allowing for disposal of surplus property pursuant to an agreement with due consideration; repealing all ordinances to the contrary; and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

- 14. Executive Session for the purpose of confidential communications, specifically settlement negotiations, (and taking appropriate action in open session) between the City Council, the City Manager, and the City Attorney for the purpose of discussing David Geiger v. The City of Broken Arrow, et al., United States District Court for the Northern District of Oklahoma Case Number 11CV-179-CVE, under 25 O.S. §307(B)(4); and on matters concerning negotiations regarding the FOP and IAFF employee groups under 25 O.S. § 307(B)(2); 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