



City of Broken Arrow

City of Broken Arrow
Council Chambers
220 S 1st Street
Broken Arrow OK
74012

Meeting Agenda

City Council

Mayor Craig Thurmond
Vice Mayor Richard Carter
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Scott Eudey

Tuesday, September 1, 2015

6:30 PM

Council Chambers

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [15-363](#) Approval of City Council meeting minutes of August 18, 2015
- B. [15-381](#) Approval of Special City Council meeting minutes of August 24, 2015
- C. [15-375](#) Acceptance of minutes of Planning Commission meeting held July 23, 2015
- D. [15-382](#) Approval of and authorization to purchase a cab tractor for the Streets and Storm Water Department from Stewart Martin Kubota pursuant to the State of Oklahoma farm equipment contract
- E. [15-368](#) Approval of Minor Change Order C02 for Construction Contract ST0916A, Iola Street and Cedar Avenue Improvements
- F. [15-296](#) Acceptance of a Utility Easement from Georgeanna Brown Thomas and Trust Company of Oklahoma, as Co-Trustees of the Wanda M. Brown Revocable Trust, U/T/A Dated December 8, 1983, and Georgeanna Brown Thomas and Roger L. Thomas, husband and wife, and Lynn Lane Terrace, LLC, an Oklahoma limited liability company, Lot 1, Block 2 of Lynn Lane Terrace Amended, an Addition to the City of Broken Arrow, located north of Kenosha Street and west of Lynn

Lane Road, Broken Arrow, Tulsa County, State of Oklahoma (Section 02, T18N, R14E)

- G. [15-379](#) Acceptance of a Utility Easement located 2640 feet north and 2640 feet east of the intersection of East Kenosha Street (East 71st Street) and North Lone Star Road (353rd Street), property located at 36503 East 66th Street South from J.R. and Doilene Asher (Sec 2 T18N R16E) (Project #S.1307)(Water Supply Improvements #075036)
- H. [15-389](#) Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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

- A. [15-357](#) Consideration, appointment of and swearing in of the Youth City Council members for the school year 2015-2016
- B. [15-377](#) A public hearing regarding the annexation of property located in the West Half of the Northwest Quarter of the Northwest Quarter (W/2 NW/4 NW/4) of Section Nine (9), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and generally located on the Southeast corner of 131st Street and 129th East Avenue (Olive) and being adjacent to and abutting 131st Street and 129th Street East Avenue (Olive)
- C. [15-343](#) Presentation by Dan Berg of Ford Audio providing an overview of the upcoming audio and video improvement project for the City Council Chambers

8. Citizens' Opportunity to Address the Council on General Topics

9. General Council Business

- A. [15-362](#) Consideration, discussion and possible action regarding BACP 146 (Comprehensive Plan Change), Elm Ridge Crossing II, 19.64 acres, Level 2 to Level 3, one-quarter mile south of Omaha Street, east of Elm Place
- B. [15-366](#) Consideration and possible approval of BAZ 1941 (Rezoning Application), The Crossings at 71st (Park Place), 80.00 acres, A-1 to RS-3, east of Midway Road, one-quarter mile north of Kenosha Street
- C. [15-371](#) Consideration and possible approval of Resolution Number 891, a

resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in the principal amount of \$2,045,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

- D. [15-365](#) Consideration, discussion and possible appointment of Steven Knight to fill a vacancy on the Broken Arrow Board of Adjustment created by the resignation of Richard (Dick) Baze, whose term expires May 1, 2017

10. Preview Ordinances

- A. [15-376](#) Consideration, discussion and possible preview of an ordinance amending Chapter 2, Administration, Article IX, Employee Rules and Regulations, Section 2-151, Attendance, of the Broken Arrow Code, to add Christmas Eve to the list of observed holidays for the City of Broken Arrow, Oklahoma; repealing all ordinances to the contrary; and declaring an emergency
- B. [15-380](#) Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Code of Ordinances, Chapter 2, Administration, Article XVI, Broken Arrow Downtown Advisory Board, Section 2-230, created, to require the rotation among City Council members to every four years; and, Section 2-233, Organization, requiring that a City Council member shall not sit as either a chairman or vice chairman of the Downtown Advisory Board

11. Ordinances

- A. [15-370](#) Consideration, discussion and possible adoption of Ordinance No. 3356 - CORRECTED, an Ordinance amending the Employee Retirement System, defined contribution plan for the position of City Manager for the City of Broken Arrow, Oklahoma by adopting a revised and restated retirement plan; providing retirement benefits for eligible employees of the City of Broken Arrow, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for non-alienation of benefits; loss of benefits for cause and limitations of benefits; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for

transfer to and from other plans; creating a retirement committee and providing for powers, duties, and rights of retirement committee; providing for payment of certain obligations; providing for duration and payment of expenses; providing for effective date; providing for vesting schedules; providing for a fund to finance the system to be pooled with other incorporated cities towns and their agencies and instrumentalities for purposes of administration, management, and investments part of the Oklahoma Municipal Retirement Fund; providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment; providing for repealer and severability; adopting those amendments mandated by the Internal Revenue Code; repealing all ordinances to the contrary; and declaring an emergency

B. [15-373](#)

Consideration, discussion and possible adoption of Ordinance No. 3357 - CORRECTED, an Ordinance amending the Employee Retirement System, defined contribution plan for the City of Broken Arrow, Oklahoma by adopting a revised and restated retirement plan; providing retirement benefits for eligible employees of the City of Broken Arrow, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for non-alienation of benefits; loss of benefits for cause and limitations of benefits; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for transfer to and from other plans; creating a retirement committee and providing for powers, duties, and rights of retirement committee; providing for payment of certain obligations; providing for duration and payment of expenses; providing for effective date; providing for vesting schedules; providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investment as part of the Oklahoma Municipal Retirement Fund; providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment; providing for repealer and severability; adopting those amendments mandated by the Internal Revenue Code; repealing all ordinances to the contrary; and declaring an emergency

C. [15-378](#)

Consideration, discussion and possible adoption of Ordinance No. 3363, an Ordinance annexing property located in the West Half of the Northwest Quarter of the Northwest Quarter (W/2 NW/4 NW/4) of

Section Nine (9), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and generally located on the Southeast corner of 131st Street and 129th East Avenue (Olive) and being adjacent to and abutting 131st Street and 129th Street East Avenue (Olive), 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

Executive Session for the purpose of confidential communications between the City Council, the Acting City Manager, and the City Attorney, regarding a pending investigation, claims and proposed litigation by the City of Sand Springs to include all beneficiaries of the Tulsa County Criminal Justice Authority (“TCCJA”), including the City of Broken Arrow, said Trust existing pursuant to an Amended and Restated Declaration of Trust, pursuant to 25 O.S. §307(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the City Council to process the pending investigation, claims, and possible litigation involving the City of Broken Arrow’s and 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