

**BROKEN ARROW ECONOMIC DEVELOPMENT AUTHORITY
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
March 17, 2015**

1. Call to Order

Section Minutes: Chairman Craig Thurmond called the meeting to order at approximately 6:50 p.m.

2. Roll Call

Present:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Absent:	None

3. Consideration of Consent Agenda

Section Minutes: Chairman Thurmond asked if there were any items to remove from the Consent Agenda. There being none, he asked for a motion.

Motion:	Move to approve the Consent Agenda as presented
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- A. Approval of CORRECTED meeting minutes of February 17, 2015
- B. Approval of meeting minutes of March 3, 2015
- C. Approval of and authorization to execute Financial Plan Adjustment Number 2 for Fiscal Year 2015
- D. Approval of the Claims List - None

4. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items removed from the Consent Agenda. No action was required or taken.

5. General Authority Business

- A. Consideration, discussion possible approval of and authorization to execute a Contract for Downtown Redevelopment Services between the Broken Arrow Economic Development Authority and the Broken Arrow Economic Development Corporation

Item Minutes: Mr. Stephens gave the background for the establishment of a contract with the Broken Arrow Economic Development Corporation (BAEDC) as a specialist in the field of downtown redevelopment. He said this contract had been responsible for much of the current Rose District success as set forth in the Downtown Redevelopment Plan. Mr. Stephens said funding for this contract would be critical to the continuation of momentum for this area and he praised the efforts of Mr. Wes Smithwick, Mr. Warren Unsicker and Mr. Jim Beavers of the BAEDC. He said that the attached contract provided for a one year term, with monthly payments in the amount of \$17,500.00, for a total of \$210,000.00 annually. He added that in order ensure proper accountability of taxpayer dollars, the BAEDC would be required to provide a monthly claim form detailing the services provided, as well as comprehensive quarterly reports.

Motion:	Move to approve the Contract for Downtown Redevelopment Services and authorize execution
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- B. Consideration, discussion, possible approval, and authorization to execute Resolution No. 872, a Resolution authorizing the attorney for the Broken Arrow Economic Development Authority to agree to

Entry of Judgment without admitting liability in the matter of Two-T's Broken Arrow, LLC, an Oklahoma Limited Liability Company v. Broken Arrow Economic Development Authority, an Oklahoma Public Trust, Tulsa County District Court Case Number CJ-2014-2296 and directing the preparation and filing of all necessary documents to effectuate settlement, including a Journal Entry of Judgment in accordance with State law

Item Minutes: City Attorney, Ms. Beth Anne Wilkening reviewed details of a contract entered into in 2010 to provide improvements to a former strip pit utilized for regional stormwater retention. Ms. Wilkening gave details on a stalled project involving an agreement that required the Broken Arrow Economic Development Authority to construct improvements to Reserve Area A which would enable Two-T's Broken Arrow, LLC ("Two-T's") to install a roadway across a mutual access easement allowing Two-T's to access and develop an otherwise unusable tract of land. She said plans were never approved by the Army Corps of Engineers and the improvements were never constructed. Ms. Wilkening said after intermittent contact with Two-T's and threats of litigation from Mr. Jim Tapp, Manager of Two T's Broken Arrow, staff engaged Mr. Jeff Bigby, Floodplain Manager for the City of Broken Arrow, to review the initial proposal. Mr. Bigby determined that the original embankment design access structure could be considered a dam and suggested that a span bridge be constructed instead. She said despite the best efforts of City Staff to resolve this issue, on June 13, 2014, Two-T's filed Case Number CJ-2014-2296 in the District Court of Tulsa County, alleging the Authority breached the Agreement. Ms. Wilkening said that following mediation held on February 26, 2015, Staff recommended that the Authority settle the pending litigation for the sum of \$1,045,000.00. She explained that because the estimated cost of the project was going to be \$850,000.00 plus another \$250,000.00 to \$3000.000.00 for construction of utilities the settlement seemed more acceptable. She added that this settlement would ultimately be beneficial to the City as it would facilitate the development of an otherwise inaccessible area.

Councilor Johnnie Parks said this would mean that the City would not be responsible for building the bridge. Mr. Wilkening confirmed his conclusion and added that because the structure would be within the City limits compliance with codes would be required.

Motion:	Move to approve Resolution No. 872 and authorize its execution
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- C. Consideration, discussion and possible approval of and authorization to execute a Contract for Economic Development Services between the Broken Arrow Economic Development Authority and the Broken Arrow Economic Development Corporation

Item Minutes: Mr. Stephens told the Council that the attached contract would be for comprehensive economic development services provided by the Broken Arrow Economic Development Corporation (BAEDC). He said the proposed term of this contract is three years, with the last two years subject to annual appropriation through the budgeting process. Mr. Stephens said the Contract provided for annual compensation in the amount of \$387,504.00

Councilor Mike Lester addressed the proposed increase in the contract of \$50,004.00 per year saying that it would compensate for the decrease in pay accepted by BAEDC in 2009 when all departments were asked to take a cut to meet the City's budget.

Motion:	Move to approve the Contract for Economic Development Services and authorize its execution
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

6. Executive Session

Section Minutes: There was no Executive Session. No action was required or taken.

7. Adjournment

Section Minutes: The meeting adjourned at approximately 7:02 p.m.

Motion:	Move to adjourn
Motion by:	Jill Norman
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None


Chairman



Attest:


Secretary