

BROKEN ARROW CITY COUNCIL MINUTES
April 1, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, April 1, 2008, at 6:30 p.m.

1. Call to Order

Section Minutes: Mayor McCaleb called the meeting to order at 6:30 p.m.

2. Invocation

Section Minutes: The Invocation was delivered by Pastor Mike Hutsell, Grace Free Will Baptist Church.

3. Roll Call

Present:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Absent:	None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilman Tucker led the Pledge of Allegiance.

5. Consideration of Consent Agenda

- A. Approval of the regular meeting minutes of March 18, 2008
- B. Acceptance of minutes of Planning Commission meeting held March 13, 2008.
- C. Acceptance of the Parks and Recreation Department 2008 Park Fees
- D. Approval of installation of "No Parking-Tow Zone" signs on 5th Street between Broadway and College
- E. Approval of PT06-110, Conditional Final Plat of Iron Horse Ranch, 80.20 acres, RS-3, north of Jasper Street (131st Street), one-quarter mile west of Aspen Avenue (145th East Avenue)
- F. Approval of PT07-120, Conditional Final Plat of Millicent Pond II, 23.46 acres, 88 lots, RS-3, east of Olive Avenue (129th East Avenue), one-eighth to one-quarter mile south of Houston Street (81st Street)
- G. Approval of bids received and award of the most advantageous bid to CEI, Inc., for construction of the new Police Department Firing Range
- H. Acceptance of four (4) Storm Sewer Easements from Kyle E. and Rebecca Carol Hunt Revocable Trust (S16 T18N R14E) [Project: Millicent Pond II, DN06-124]
- I. Acceptance of a Temporary Construction Easement and Utility Easement from The Betty Ann Mockley 1992 Revocable Trust (S06 T18N R15E) (Project #SO405 Adams Creek Northwest Sewer Improvements)

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Broken Arrow City Council Minutes Page 1 of 10

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Absent: None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilman Tucker led the Pledge of Allegiance.

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A. Approval of the regular meeting minutes of March 18, 2008

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G. Approval of bids received and award of the most advantageous bid to CEI, Inc., for construction of the new Police Department Firing Range

H. Acceptance of four (4) Storm Sewer Easements from Kyle E. and Rebecca Carol Hunt Revocable Trust S16 T18N R14E) Project: Millicent Pond II, DN06-124]

I. Acceptance of a Temporary Construction Easement and Utility Easement from The Betty Ann Mockley 1992 Revocable Trust S06 T18N R15E) Project #SO405 Adams Creek Northwest Sewer Improvements)

- J. Acceptance of a Temporary Construction Easement and Utility Easement from The Betty Ann Mockley 1992 Revocable Trust (S31 T19N R15E) (Project # SO405 Adams Creek Northwest Sewer Improvements)
- K. Acceptance of a Utility Easement from Dwight L. and Elaine Hendrickson (S04 T17N R14E) [Project: White Church Crossing waterline]
- L. Acceptance of a Utility Easement from J.W. Rocky and Sandra F. Lewis (S04 T17N R14E) [Project: White Church Crossing waterline]
- M. Acceptance of a Utility Easement from Robert B. and Donna S. Rosene (S04 T17N R14E) [Project: White Church Crossing waterline]
- N. Acceptance of a Utility Easement from Dolores J. Sarty (S04 T17N R14E) [Project: White Church Crossing waterline]
- O. Acceptance of a Utility Easement from James M. and Dolores J. Sarty (S04 T17N R14E) [Project: White Church Crossing waterline]
- P. Acceptance of a General Warranty Deed from American Land Development Limited Partnership (S17 T18N R14E) (Project #ST0522 Olive/129th E. Avenue between Washington/91st Street and Houston/81st Street)
- Q. Approval of the Claims List

Motion:	Move to approve the Consent Agenda as submitted.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items to consider and no action was taken.

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

- A. Presentation: Approval of and authorization for the Mayor to execute a proclamation declaring April 13-19, 2008 as "Telecommunicator Appreciation Week" in the City of Broken Arrow

Item Minutes: City Manager, Jim Twombly, presented this item saying that the Association of Public-Safety Communications Officials International is celebrating April 13-19, 2008 as National Public Safety Telecommunications Week. He added that the Broken Arrow Police Department is asking for your support in honoring these men and women for the role they play in making our hometowns and our homeland safer everyday.

Motion:	Move to approve the week of April 13-19, 2008 as "Telecommunicator Appreciation Week" in the City of Broken Arrow.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

April 1, 2008

Broken Arrow City Council Minutes Page 2 of 10

J. Acceptance of a Temporary Construction Easement and Utility Easement from The Betty Ann Mockley 1992 Revocable Trust S31 T19N R15E) Project # SO405 Adams Creek Northwest Sewer Improvements)

K. Acceptance of a Utility Easement from Dwight L. and Elaine Hendrickson S04 T17N R14E) Project: White Church Crossing waterline]

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P. Acceptance of a General Warranty Deed from American Land Development Limited Partnership S17 T18N R14E) Project #ST0522 Olive/129th E. Avenue between Washington/91st Street and Houston/81st Street)

Q. Approval of the Claims List

Motion: Move to approve the Consent Agenda as submitted.

Motion by: Mike Lester

Second by: Richard Carter

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items to consider and no action was taken.

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Motion: Move to approve the week of April 13-19, 2008 as Telecommunicator Appreciation Week" in the City of Broken Arrow.

Motion by: Mike Lester

Second by: Richard Carter

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Mayor McCaleb read the Proclamation aloud and Chief Wuestewald was present to accept the Proclamation.

B. Presentation: Information regarding the upcoming Trash Bash Event

Item Minutes: Mayor McCaleb presented this item saying that Ms. Gerber was present to present this event. Ms. Gerber presented the details of the event.

No action was required or taken.

8. **Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)**

Section Minutes: Mayor McCaleb returned to Item 8 at 7:24 p.m.

8. **General Council Business**

A. Consideration and possible approval of extension of the Ice Storm 2007 Debris Burn Permit, Large Tract (greater than 20 acres), adopting the modified provisions to extend the allowable burn dates through June 1, 2008 for large tracts over 20 acres

Item Minutes: Mr. Wooden explained that citizens with acreages greater than 20 acres requested an extension to the burn dates. He explained that these citizens wanted to wait until the grass greens-up in order to reduce the danger of grass fires.

Motion:	Move to approve the proposed changes to the temporary burn permit.
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

B. Consideration, possible approval of and authorization to execute Resolution No. 520 - a resolution of necessity to condemn property located at the NE/4 NW/4 of Section 7, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma (East Kenosha Widening Project from N. 23rd Street to Creek Turnpike)

Item Minutes: Ms. Beth Ann Wilkening presented this Item. She presented the background and explained that the City negotiated with the landowners affected but was not able to reach an agreement with all the landowners.

Motion:	Move to approve Resolution No. 520.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

C. Consideration and possible approval of requests in connection with the "2008 Rooster Days Festival" on Thursday, May 8 through Sunday, May 11, 2008, including closing streets along the established Main Street parade route from Elgin to Washington, on Saturday, May 10, 2008 from approximately 10 a.m. to Noon, and approval of and authorization to execute a "Promotional License on City Property" agreement between the City and the Broken Arrow Chamber of Commerce

Mayor McCaleb read the Proclamation aloud and Chief Wuestewald was present to accept the Proclamation.

B. Presentation: Information regarding the upcoming Trash Bash Event

Item Minutes: Mayor McCaleb presented this item saying that Ms. Gerber was present to present this event. Ms. Gerber presented the details of the event.

No action was required or taken.

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services approximately 7:00 p.m.)

Section Minutes: Mayor McCaleb returned to Item 8 at 7:24 p.m.

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Item Minutes: Mr. Wooden explained that citizens with acreages greater than 20 acres requested an extension to the burn dates. He explained that these citizens wanted to wait until the grass greens-up in order to reduce the danger of grass fires.

Motion: Move to approve the proposed changes to the temporary burn permit.

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

B. Consideration, possible approval of and authorization to execute Resolution No. 520 a resolution of necessity to condemn property located at the NE/4 NW/4 of Section 7, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma East Kenosha Widening Project from N. 23rd Street to Creek Turnpike)

Item Minutes: Ms. Beth Ann Wilkening presented this Item. She presented the background and explained that the City negotiated with the landowners affected but was not able to reach an agreement with all the landowners.

Motion: Move to approve Resolution No. 520.

Motion by: Richard Carter

Second by: Mike Lester

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

C. Consideration and possible approval of requests in connection with the 2008 Rooster Days Festival" on Thursday, May 8 through Sunday, May 11, 2008, including closing streets along the established Main Street parade route from Elgin to Washington, on Saturday, May 10, 2008 from approximately 10 a.m. to Noon, and approval of and authorization to execute a Promotional License on City Property"

agreement between the City and the Broken Arrow Chamber of Commerce

Item Minutes: Mr. Twombly said that Rooster Days would be on May 8 - May 11, 2008.

Motion:	Move to approve request by the Broken Arrow Chamber of Commerce to host the 2008 Rooster Days Festival in Central Park and the Rooster Days Parade.
Motion by:	Craig Thurmond
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- D. Consideration, possible approval of and authorization to execute Resolution No. 521 - a resolution stating the intent to reimburse certain capital expenditures and authorizing the incurrence of indebtedness in aggregate principal amount not to exceed \$2,500,000

Item Minutes: Mr. Dave Wooden presented this Item as presented in the Fact Sheet provided in the Agenda packet.

Ms. Wilkening said she added language that placed debt limitations in accordance with the Oklahoma Constitution.

Motion:	Move to approve Resolution No. 521.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- E. Consideration and possible approval to provide \$450,000 in Community Development Block Grant (CDBG) Funds for the purpose of transmitting to Vintage Housing for land acquisition for Kenosha Landing, an elderly, low and moderate income apartment development

Item Minutes: Mr. Twombly presented this Item as presented in the Fact Sheet contained in the Agenda packet.

Vintage Housing representative Executive Director Bill Major responded to Council inquiries noting this complex will be restricted to those aged 62 and above; income level will be restricted to approximately \$15,000-18,000 annually; Adult Day Services will remain at the New Orleans Street location. Additional questions concerned past performance of Vintage Housing; number of existing properties in the area; transportation services; elderly independent living and not assisted living; property values in neighborhoods surrounding elderly housing; crime in and around elderly housing; and on-site management.

Leah Esau, 1213 N. Yellowwood, spoke in opposition to the item noting some of her concerns have been alleviated. She is concerned that zoning may be changed in future to allow younger people to live in the development; possible future expansion; moving Camino Villa residents to this area.

Jerry Jacobs, 2801 W. Oakland Street, spoke in opposition to the item noting his concern is for safety, particularly as regards the safety of children playing in the neighborhood and elderly drivers entering and exiting onto Kenosha Street.

April 1, 2008

Broken Arrow City Council Minutes Page 4 of 10

Item Minutes: Mr. Twombly said that Rooster Days would be on May 8 May 11, 2008.

Motion: Move to approve request by the Broken Arrow Chamber of Commerce to host the 2008 Rooster Days Festival in Central Park and the Rooster Days Parade.

Motion by: Craig Thurmond

Second by: Philip Tucker

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

D. Consideration, possible approval of and authorization to execute Resolution No. 521 a resolution stating the intent to reimburse certain capital expenditures and authorizing the incurrence of indebtedness in aggregate principal amount not to exceed \$2,500,000

Item Minutes: Mr. Dave Wooden presented this Item as presented in the Fact Sheet provided in the Agenda packet.

Ms. Wilkening said she added language that placed debt limitations in accordance with the Oklahoma Constitution.

Motion: Move to approve Resolution No. 521.

Motion by: Richard Carter

Second by: Mike Lester

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

E. Consideration and possible approval to provide \$450,000 in Community Development Block Grant (CDBG) Funds for the purpose of transmitting to Vintage Housing for land acquisition for Kenosha Landing, an elderly, low and moderate income apartment development

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elderly drivers entering and exiting onto Kenosha Street.

Carol McArthur, Bricktown Homeowners Association President, addressed Council with concerns about the property being built on Elder Street, which is a short and heavily utilized street.

Mr. Major addressed some of the concerns noting a deed restriction is built into all of their facility properties to restrict use to seniors.

Motion:	Move to approve providing \$450,000 in Community Development Block Grant funds to Vintage Housing for the purpose of land acquisition for construction of 40 units of elderly low and moderate income housing in Broken Arrow.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

8. Citizens’ Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)

Section Minutes: Mayor McCaleb returned to Item 8 at 7:24 p.m.

Jeff McCollough, 2521 N. 15th Street, addressed Council regarding an American Flag and a “Welcome to Downtown Broken Arrow” banner he placed on the corner of his business property.

9. General Council Business

F. Consideration, possible approval of and authorization to execute an Option to Purchase 76.26 acres of real property located in the City of Broken Arrow, Wagoner County

Item Minutes: Mr. Twombly requested that Council table this item to allow time to review the appraisal. Ms. Wilkening added that the request was to table this item indefinitely.

Motion:	Move to table indefinitely.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

10. City Manager’s Report

A. Eastside Plan Development Implementation

Item Minutes: Mr. Twombly presented this item as presented in the Fact Sheet provided in the Agenda packet.

Vice Mayor Lester asked about a time frame. Mr. Twombly said he hoped the Committee might be in place in 6 to 8 weeks, and that it would include some Broken Arrow residents with deep roots in the community. He added that he anticipated the committee would meet monthly and incorporate concepts such as low impact development.

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Broken Arrow City Council Minutes Page 5 of 10

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Mr. Major addressed some of the concerns noting a deed restriction is built into all of their facility properties to restrict use to seniors.

Motion: Move to approve providing \$450,000 in Community Development Block Grant funds to Vintage Housing for the purpose of land acquisition for construction of 40 units of elderly low and moderate income housing in Broken Arrow.

Motion by: Richard Carter

Second by: Philip Tucker

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

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development.

Mayor McCaleb suggested that Council members nominate a couple of appointments each, and that there should also be City staff members on the committee. He said that he and Vice Mayor Lester would be members so that would leave one appointee remaining for each of them to nominate. Mr. Twombly said a committee of 10-12 would be workable, and he would like to have full Council present at the first few meetings.

Council agreed that staff should proceed with the above instructions as a guide to organizing the committee.

No action was required or taken.

B. 2008 Bond Issue

Item Minutes: Mr. Twombly presented this item as presented in the Fact Sheet provided in the Agenda packet. Discussion included election date, levy rate, planning term, streets, project cost estimates and public input.

No action was required or taken.

C. Budget Savings and Special Income FY 2009

Item Minutes: Mr. Twombly presented this item as presented in the Fact Sheet provided in the Agenda packet.

No action was required or taken.

D. "Let's Talk BA" Ward 3 Summary Results

Item Minutes: Mr. Twombly presented this item as presented in the Fact Sheet provided in the Agenda packet. Discussion included adding to the questionnaire to pinpoint citizens concerns regarding street issues.

No action was required or taken.

11. **Preview Ordinances**

Section Minutes: There were no items to consider and no action was taken.

12. **Ordinances**

A. Ordinance No. 2937 - an ordinance amending Section 7-211 of the Broken Arrow Code, providing for an increase in Ambulance Service Charges; repealing all ordinances to the contrary; declaring an effective date of May 1, 2008; and declaring an emergency

B. Ordinance No. 2939 - an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931), approving BAZ 1588 and SP 174A, granting R-2 and FD zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

C. Ordinance No. 2940 - an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931), approving BAZ 1705 and PUD 168, granting RS-3 and PUD 168 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

April 1, 2008

Broken Arrow City Council Minutes Page 6 of 10

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B. Ordinance No. 2939 an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931), approving BAZ 1588 and SP 174A, granting R-2 and FD zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

C. Ordinance No. 2940 an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931), approving BAZ 1705 and PUD 168, granting RS-3 and PUD 168 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- D. Ordinance No. 2941 - an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance no. 2931), approving BAZ 1766 and PUD 175, granting CG (previously C-2) and CG (previously O-2) and PUD 175 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. Ordinance No. 2942 - an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931), approving BAZ 1236, granting R-3 along with PUD 94 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F. Ordinance No. 2943 - an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931), approving BAZ 1281, granting CG along with PUD 180 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G. Ordinance No. 2966 - an ordinance adding to Broken Arrow Code of Ordinances Chapter 21, Article 1, Section 21-14, Establishing definitions of payors, street light fee and billing procedure; repealing all ordinances in conflict therewith, providing for severability and declaring an emergency

Section Minutes: City Attorney, Beth Anne Wilkening, gave a brief background on each ordinance as presented in the Fact Sheets provided in the Agenda packet.

Councilman Thurmond stated he had a conflict with Ordinance Nos. 2940 and 2943, and requested they be voted on separately.

Motion:	Move to approve Ordinance Nos. 2937, 2939, 2941, 2942 and 2966.
Motion by:	Craig Thurmond
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to approve the Emergency Clauses of Ordinance Nos. 2937, 2939, 2941, 2942 and 2966.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Councilman Thurmond left the meeting room.

Motion:	Move to approve Ordinance Nos. 2940 and 2943.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

April 1, 2008

Broken Arrow City Council Minutes Page 7 of 10

D. Ordinance No. 2941 an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance no. 2931), approving BAZ 1766 and PUD 175, granting CG previously C-2) and CG previously O-2) and PUD 175 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

E. Ordinance No. 2942 an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931), approving BAZ 1236, granting R-3 along with PUD 94 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

F. Ordinance No. 2943 an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931), approving BAZ 1281, granting CG along with PUD 180 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

G. Ordinance No. 2966 an ordinance adding to Broken Arrow Code of Ordinances Chapter 21, Article 1, Section 21-14, Establishing definitions of payors, street light fee and billing procedure; repealing all ordinances in conflict therewith, providing for severability and declaring an emergency

Section Minutes: City Attorney, Beth Anne Wilkening, gave a brief background on each ordinance as presented in the Fact Sheets provided in the Agenda packet.

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Motion: Move to approve Ordinance Nos. 2937, 2939, 2941, 2942 and 2966.

Motion by: Craig Thurmond

Second by: Mike Lester

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Motion: Move to approve the Emergency Clauses of Ordinance Nos. 2937, 2939, 2941, 2942 and 2966.

Motion by: Richard Carter

Second by: Mike Lester

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Councilman Thurmond left the meeting room.

Motion: Move to approve Ordinance Nos. 2940 and 2943.

Motion by: Mike Lester

Second by: Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Motion:	Move to the Emergency Clauses of Ordinance Nos. 2940 and 2943.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Councilman Thurmond was absent for the vote, returning to the meeting immediately thereafter.

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or inquiries by governing body members.

The Mayor asked for a motion to recess in order to enter into BAMA at 8:20 PM.

Motion:	Move to take a short recess and enter into Broken Arrow Municipal Authority.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Section Minutes: The Mayor reconvened the regular meeting at 8:24 PM.

Motion:	Move to take a short break prior to entering into Executive Session.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Section Minutes: The Mayor reconvened the regular meeting at 8:32 PM.

Motion:	Move to enter into Executive Session.
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on matters concerning discussion of a proposed economic development contract with the Northeast Crossroads Development Group for property located at 209th and Kenosha which may include the transfer of property, financing and the creation of a proposal to entice a business to locate in Broken Arrow, under 25 O.S. § 307(C)(10) and § 307(B)(3) as disclosure could violate the confidentiality of the business; negotiations with employees and representatives of employee groups, specifically the Fraternal Order of Police and IAFF under 25 O.S. § 307(B)(2); The City of Broken Arrow v. Frances Marie Couch, Trustee of the Frances Marie Couch Revocable Trust dated April 11, 2000, et al., Tulsa County District Court Case Number CJ-2007-4825, City of Broken Arrow v. Stephen Stiger Couch, et al., Tulsa County District Court Case Number CJ-2008-0038, City of Broken Arrow v. Margaret Couch, et al., Tulsa County District Court Case Number CJ-2007-4822; and GWR Investments, Inc. v. The City of Broken Arrow, et al., Tulsa County District Court Case Number CJ-2008-01354; all under 25 O.S. § 307(B) (4). In the opinion of the City Attorney,

April 1, 2008

Broken Arrow City Council Minutes Page 8 of 10

Motion: Move to the Emergency Clauses of Ordinance Nos. 2940 and 2943.

Motion by: Mike Lester

Second by: Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Councilman Thurmond was absent for the vote, returning to the meeting immediately thereafter.

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or inquiries by governing body members.

The Mayor asked for a motion to recess in order to enter into BAMA at 8:20 PM.

Motion: Move to take a short recess and enter into Broken Arrow Municipal Authority.

Motion by: Richard Carter

Second by: Mike Lester

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Section Minutes: The Mayor reconvened the regular meeting at 8:24 PM.

Motion: Move to take a short break prior to entering into Executive Session.

Motion by: Mike Lester

Second by: Craig Thurmond

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Section Minutes: The Mayor reconvened the regular meeting at 8:32 PM.

Motion: Move to enter into Executive Session.

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on matters concerning discussion of a proposed economic development contract with the Northeast Crossroads Development Group for property located at 209th and Kenosha which may include the transfer of property, financing and the creation of a proposal to entice a business to locate in Broken Arrow, under 25 O.S. 307(C)(10) and 307(B)(3) as disclosure could violate the confidentiality of the business; negotiations with employees and representatives of employee groups, specifically the Fraternal Order of Police and IAFF under 25 O.S. 307(B)(2); The City of Broken Arrow v. Frances Marie Couch, Trustee of the

Frances Marie Couch Revocable Trust dated April 11, 2000, et al., Tulsa County District Court Case Number CJ-2007-4825, City of Broken Arrow v. Stephen Stiger Couch, et al., Tulsa County District Court Case Number CJ-2008-0038, City of Broken Arrow v. Margaret Couch, et al., Tulsa County District Court Case Number CJ-2007-4822; and GWR Investments, Inc. v. The City of Broken Arrow, et al., Tulsa County District Court Case Number CJ-2008-01354; all 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.

Section Minutes: The Mayor reconvened the regular meeting at 8:58 PM.

Motion:	Move to authorize the City Manager to decline an offer made by Northeast Crossroads Development Group for an economic development contract.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to authorize the Assistant City Manager to continue negotiations with the FOP and IAFF.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to authorize the City Attorney to extend a counter-offer as directed in the cases of The City of Broken Arrow v. Frances Marie Couch, et al., The City of Broken Arrow v. Stephen Stiger Couch, et al., and The City of Broken Arrow v. Margaret Couch, et al.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to authorize the City Attorney to agree to the foreclosure of the easement in the case of GWR Investments, Inc. v. The City of Broken Arrow.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Section Minutes: No further action was taken.

15. Adjournment

Motion:	Move to adjourn.
Motion by:	Craig Thurmond
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Section Minutes: The meeting was adjourned at the noted time of 9:01 PM.

April 1, 2008

Broken Arrow City Council Minutes Page 9 of 10

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.

Section Minutes: The Mayor reconvened the regular meeting at 8:58 PM.

Motion: Move to authorize the City Manager to decline an offer made by Northeast Crossroads Development Group for an economic development contract.

Motion by: Mike Lester

Second by: Richard Carter

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Motion: Move to authorize the Assistant City Manager to continue negotiations with the FOP and IAFF.

Motion by: Mike Lester

Second by: Craig Thurmond

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Motion: Move to authorize the City Attorney to extend a counter-offer as directed in the cases of The City of Broken Arrow v. Frances Marie Couch, et al., The City of Broken Arrow v. Stephen Stiger Couch, et al., and The City of Broken Arrow v. Margaret Couch, et al.

Motion by: Mike Lester

Second by: Richard Carter

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Motion: Move to authorize the City Attorney to agree to the foreclosure of the easement in the case of GWR Investments, Inc. v. The City of Broken Arrow.

Motion by: Mike Lester

Second by: Craig Thurmond

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb

Nays: None

Section Minutes: No further action was taken.

15. Adjournment

Motion: Move to adjourn.

Motion by: Craig Thurmond

Second by: Mike Lester

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays: None

Section Minutes: The meeting was adjourned at the noted time of 9:01 PM.

City Clerk

Mayor

Mayor

City Clerk