

BROKEN ARROW CITY COUNCIL MINUTES
April 15, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, April 15, 2008, at 6:30 p.m.

1. Call to Order

Section Minutes: Mayor McCaleb called the meeting to order at the noted time of 6:39 p.m.

2. Invocation

Section Minutes: Reverend Allison of Northside Freewill Baptist Church delivered the invocation.

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: Mayor McCaleb led those present in the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: The Mayor introduced the Consent Agenda.

- A. Approval of the regular meeting minutes of April 1, 2008
- B. Acceptance of minutes of a Planning Commission meeting held March 27, 2008
- C. Approval of and authorization for the Mayor to execute a proclamation declaring April 21-25, 2008 as "Senior Citizens Week" in the City of Broken Arrow
- D. Approval of and authorization for the Mayor to execute a proclamation declaring May 4-10, 2008 as "Youth Week" in the City of Broken Arrow
- E. Approval of and authorization for the Mayor to execute a proclamation declaring May 5-9, 2008 as "Teacher Appreciation Week", in the City of Broken Arrow
- F. Ratification of action taken by the Broken Arrow Municipal Authority which approved Change Order No. 1 for increase in operational cost for Haikey Creek Wastewater Treatment Plant
- G. Approval of waivers for TNT Fireworks and Jake's Fireworks to operate fireworks stands at 15604 East 101st Street (New Orleans Street) and 14016 East 111th Street (Florence Avenue), for the period June 15 through July 4, 2008
- H. Approval of and authorization to execute written requests to Presidents of the Tulsa County and Wagoner County Bar Associations for recommendations to the Judicial Nominating Committee
- I. Approval of and authorization to execute an Arrangement Letter with Tullius Taylor Sartain & Sartain, LLP to conduct the Fiscal Year 2008 Audit
- J. Approval of and authorization to execute an Easement Sidewalk/Boardwalk Agreement with Los Cabos Broken Arrow, LLC (S2 T18N R14E)

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E. Approval of and authorization for the Mayor to execute a proclamation declaring May 5-9, 2008 as Teacher Appreciation Week", in the City of Broken Arrow

F. Ratification of action taken by the Broken Arrow Municipal Authority which approved Change Order No. 1 for increase in operational cost for Haikey Creek Wastewater Treatment Plant

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I. Approval of and authorization to execute an Arrangement Letter with Tullius Taylor Sartain & Sartain, LLP to conduct the Fiscal Year 2008 Audit

J. Approval of and authorization to execute an Easement Sidewalk/Boardwalk Agreement with Los Cabos Broken Arrow, LLC S2 T18N R14E)

- K. Approval of and authorization to execute a Gas Facilities Relocation Agreement with Oklahoma Natural Gas Company (ONG) for relocations along Olive Avenue/129th Street from Houston/81st Street to Kenosha/71st Street
- L. Approval of and authorization to execute a Parks and Recreation Use Agreement with the Broken Arrow Historical Society for use of 400 S. Main Street Historical Museum and 1800 S. Main Street "Building A" (to include: reception area, Main Museum Room, Museum Storage, and Restroom), from the date of execution through April 1, 2009
- M. Approval of SP-167C, The Assembly of God Church, 40 acres, A-1/SP-167B, northeast corner of Olive Avenue (129th East Avenue) and New Orleans Street (101st Street South)
- N. Approval to reject all bids received for a City-wide Heating, Ventilation, and Air Conditioning (HVAC) service agreement to maintain and repair HVAC systems in all City owned buildings
- O. Approval of bids received and award of the most advantageous bid to Storm Reconstruction Services, Inc., for transportation of storm debris from two parks debris sites to the disposal site at NSU
- P. Approval of proposal received and award the purchase to ProLink Solutions, LLC for the upgrade of 70 geographical position systems (GPS) for the golf car fleet at Battle Creek Golf Course
- Q. Acceptance two Non-Exclusive Utility Easements from The Robson Companies, Inc. (S15 T18N R15E) [Project: Highlands III at Forest Ridge Offsite Utility easement]
- R. Acceptance of a Temporary Construction Easement from B-Z Properties, LLC (S7 T18N R15E) (Project #ST0545 - 209th E. Avenue Pavement Reconstruction)
- S. Acceptance of a Temporary Construction Easement from Northeastern State University (S19 T18N R15E) (Project # ST9814A - Washington/91st Street Extension from 23rd Street to SH51)
- T. Acceptance of a General Warranty Deed from B-Z Properties, LLC (S7 T18N R15E) (Project # ST0545 - 209th E. Avenue Pavement Reconstruction)
- U. Acceptance of a General Warranty Deed from Northeastern State University (S19 T18N R15E) (Project #ST9814A - Washington/91st Street Extension From 23rd Street to SH51)
- V. 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. Award: Approval and presentation of the "Employee of the Quarter" award recognizing Scott Gilbert, for the term January through March 2008

Item Minutes: City Manager, Jim Twombly, gave a brief background about Scott Gilbert who is a firefighter. He also noted that Mr. Gilbert exhibits compassion for the people he serves, does his job well, quietly and without seeking recognition.

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- K. Approval of and authorization to execute a Gas Facilities Relocation Agreement with Oklahoma Natural Gas Company (ONG) for relocations along Olive Avenue/129th Street from Houston/81st Street to Kenosha/71st Street
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- V. 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. Award: Approval and presentation of the Employee of the Quarter" award recognizing Scott Gilbert, for the term January through March 2008

Item Minutes: City Manager, Jim Twombly, gave a brief background about Scott Gilbert who is a firefighter. He also noted that Mr. Gilbert exhibits compassion for the people he serves, does his job well, quietly and without seeking recognition.

Motion:	Move to approve Scott Gilbert as Employee of the First Quarter, January through March 2008.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Item Minutes: Scott Gilbert came forward and received his award.

- B. Presentation: Consideration and possible authorization for the Mayor to execute and present a proclamation declaring the week of April 27 - May 3, 2008 as "Volunteers In Police Service Week", in Broken Arrow

Item Minutes: Mayor McCaleb presented this Item.

Motion:	Move to approve the proclamation declaring the week of April 27, 2008 to May 3, 2008 as "Volunteers In Police Service Week".
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Ms. Lisa Ford, Volunteer Coordinator in the Police Department, and a number of volunteers came forward and presented Council with a symbolic check in the amount of \$254,661.98 representing the dollar amount saved for the City through the hours donated by the volunteers.

Mayor McCaleb read and presented the proclamation.

8. Citizens' Opportunity to Address the Council (approximately 7:00 p.m.)

Section Minutes: The Mayor announced he will return to this item at 7:00 p.m.

9. General Council Business

- A. 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 noted this item was tabled at the previous meeting. He said some changes were made to the item and requested the item be tabled until after the Executive Session later in this meeting.

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

- B. Consideration and possible approval of BACP 94, Metropolitan Station Apartments, 23.04 acres, IL, Levels 3 and 6 to Level 3, one-quarter mile west of Aspen Avenue (145th East Avenue), one-quarter mile north of Kenosha Street (71st Street)

Item Minutes: Mr. Farhad Daroga presented this Item as presented in the Fact Sheet, and accompanying documents and maps provided in the agenda packet.

Mr. Alex Mills, Civil Engineer for the developer, S.C. Bodner Company, explained that the developer's flight was delayed in Chicago but they sent a statement for Mr. Mills to present to Council.

Mr. Mills said that the S.C. Bodner Company specialized in building high end developments with heavily landscaped, park-like settings and resort quality amenities. He added that the developer planned a lower

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April 15, 2008

Motion: Move to approve Scott Gilbert as Employee of the First Quarter, January through March 2008.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

Item Minutes: Scott Gilbert came forward and received his award.

B. Presentation: Consideration and possible authorization for the Mayor to execute and present a proclamation declaring the week of April 27 May 3, 2008 as "Volunteers In Police Service Week", in Broken Arrow

Item Minutes: Mayor McCaleb presented this Item.

Motion: Move to approve the proclamation declaring the week of April 27, 2008 to May 3, 2008 as "Volunteers In Police Service Week".

Motion by: Richard Carter

Second by: Mike Lester

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

Nays: None

Ms. Lisa Ford, Volunteer Coordinator in the Police Department, and a number of volunteers came forward and presented Council with a symbolic check in the amount of \$254,661.98 representing the dollar amount saved for the City through the hours donated by the volunteers.

Mayor McCaleb read and presented the proclamation.

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Motion: Move to table until after Executive Session.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

B. Consideration and possible approval of BACP 94, Metropolitan Station Apartments, 23.04 acres, IL, Levels 3 and 6 to Level 3, one-quarter mile west of Aspen Avenue 145th East Avenue), one-quarter mile north of Kenosha Street 71st Street)

Item Minutes: Mr. Farhad Daroga presented this Item as presented in the Fact Sheet, and accompanying documents and maps provided in the agenda packet.

Mr. Alex Mills, Civil Engineer for the developer, S.C. Bodner Company, explained that the developer's flight was delayed in Chicago but they sent a statement for Mr. Mills to present to Council.

Mr. Mills said that the S.C. Bodner Company specialized in building high end developments with heavily landscaped, park-like settings and resort quality amenities. He added that the developer planned a lower

density development than could be developed at this location. Mr. Mills added that the developer met with the homeowners association and understood their concerns. He said the developer was willing to go through the PUD process and to meet the requirements set forth, as well as willing to hire a traffic engineer to study traffic flow.

Councilman Thurmond said he wanted a PUD process in place before he could approve Item 9B, adding that he would also have to see the PUD prior to making a decision.

Vice Mayor Lester asked about the age group the development was meant to attract. Mr. Mills said it was designed for young professionals and young families, and would include amenities such as cyber cafes, heated swimming pools, walking areas, play areas, etc.

Councilman Tucker said most calls he received expressed a major concern about increased crime around apartments. Mr. Mills said he did not have statistics on this issue but the development would charge high enough rents to attract professional people, and the developer was open to making the development a gated community. Councilman Tucker said that many callers also expressed concern regarding overloading the water and sewer facilities. Mr. Daroga reviewed some zoning distinctions and the corresponding uses.

The Bricktown Neighborhood Association presented Council with a petition with 855 signatures of citizens opposing the development.

The following citizens did not wish to speak but did wish to record their opposition to Item 9B: Dan Duncan, David Harney, Rebecca Duncan, Mia Vandiver, Eric Thompson, Patricia Conners, Rebecca Howeth, Def Wayne Howeth, Roger Kaufmann, Susan Jacobs, Jerry Jacobs, Chris Langdon, Bonnie Paige, Kathy Langdon, John Chitwood, Nancy Pellegrino, Susan Chitwood, Sharon Fuller, Juliane McMurray, Mason McMurray, Jennifer Thompson, Jerri Sue McNair, Daniel Lopez, Juan Lopez, Fernando Del Aguila, Alicia Haney, Keith Haney, Rebecca Eubanks, Jimmy Eubanks, Greg Meador, Judy Meador, Steve Johnson, Helen Kaufmann, Robert Elmore, Diana Elmore, Mark Kupperschmidt, Greg Matthiesen, Terresa Daggs, Derek Whitten, Jennifer Whitten, Kathrine Larsen, Rudy Cox, Clydette Cox, Jeff Duncan, Sherrie Larsen, Gail Pianalto, Rose Washington, Jerry Pianalto, Sam Ramos, Shirley Ramos, Evolia Gray, Eugene Gray, Chuck Clark, David Morrer, Jami Sullins, Walter Zayords, Dana Scott, Bonnie Mowrer, and Seshandri Kuppuswany.

The following citizens addressed Council:

Mr. Greg Bresciano spoke regarding the proposed development and expressed concern regarding traffic and safety of kids, and said the development would negatively impact the character of the neighborhood.

Ms. Carol McArthur, President of the Bricktown Homeowners Association, spoke regarding traffic flow, congestion and cars utilizing the neighborhood to find easier access to 71st Street. She also expressed concern that the development will not be upscale when it is located right next to the railroad and will decline as it becomes difficult to rent units due to their location. Ms. McArthur said that residents in the neighborhood hear at least a couple of trains during the night and said the noise will be very loud in the apartments. She asked that Council deny Item 9B.

Ms. Susan Sealey, a Board member of the Bricktown Homeowners Association, expressed concerns about traffic on arterial streets around Bricktown and said the neighborhood streets were not designed to serve the number of vehicles that would be travelling through the area after the apartment complex was occupied. She asked that Council deny Item 9B.

Mr. Floyd McNair, Stone Mill Bridge neighborhood, said he was a real estate broker and said that in his 20 years of real estate experience, he had seen apartments lower the value of homes. He also said the traffic was already heavy with Peters Elementary School located in the middle of the subdivisions, and that adding more traffic traveling through the neighborhood would make movement very difficult. He asked that Council deny Item 9B.

Mr. Ross Ford addressed issues of potential overcrowding in area schools with addition of apartments. He said he was on the Union School Board. Mayor McCaleb asked about future student body size at Peters Elementary School. Mr. Ford said the School Board's long range planning committee voted to leave the student body at Peters Elementary small to accommodate future students expected to attend from a nearby

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density development than could be developed at this location. Mr. Mills added that the developer met with the homeowners association and understood their concerns. He said the developer was willing to go through the PUD process and to meet the requirements set forth, as well as willing to hire a traffic engineer to study traffic flow.

Councilman Thurmond said he wanted a PUD process in place before he could approve Item 9B, adding that he would also have to see the PUD prior to making a decision.

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Mr. Floyd McNair, Stone Mill Bridge neighborhood, said he was a real estate broker and said that in his 20 years of real estate experience, he had seen apartments lower the value of homes. He also said the traffic was already heavy with Peters Elementary School located in the middle of the subdivisions, and that adding more traffic traveling through the neighborhood would make movement very difficult. He asked that Council deny

Item 9B.

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development that was currently underway. He said that Union prides itself on embedding its schools in the neighborhoods.

Ms. Lesa Johnson expressed concerns regarding traffic, crime, effects on schools, hazards of apartments next to a railroad, and also possible reduction in resale values of the homes. She asked that Council vote to deny Item 9B.

Mayor McCaleb stated that he received the petition with 855 signatures in opposition to the development.

Mr. John Shapiro, Professor of Marketing/Urban Planning at NSU, expressed concern about the railroad and said he questioned a developer's interests in the well being of a community by pursuing such a development. Mr. Shapiro added that apartments next to the railroad will become problematic. Mayor McCaleb asked Professor Shapiro what his research showed about industrial development. Mr. Shapiro said neither apartments nor industrial are desirable but he asked Council not to rush into choosing the better of two evils. Mr. Shapiro said he believed a park would serve the community well.

Councilman Tucker commented about concerns regarding crime in the area around the railroad tracks. He asked how a park would be safer than apartments with residents living there around the clock. Mr. Shapiro said he would take a park any day over the other uses considered so far.

Mr. Stephen Gray, resident of Union Station South, said he was an attorney and was retained as counsel representing Bricktown. Mr. Gray said that homeowners were not given a chance to address the Planning Commission. He added that these homeowners were investors in Broken Arrow and their investment was in their homes. He said that, at the time they purchased their homes, these residents understood the empty land around them to be light industrial. He added that light industrial is not 24/7 use, but is a lighter land use that operates during the day.

Mr. Gray also addressed fire issues and the capacity of the nearest fire station to fight a 4-story fire. He stated that this proposed amendment to Comprehensive Plan does not serve the interests of the community. He asked that Council not approve Item 9B.

Mayor McCaleb asked if an apartment complex with appropriate set backs, and designed as a gated community might work and preferable to light industrial.

Mr. Gray said that based on the City's Comprehensive Plan, residents purchased their properties with the understanding that they might be neighbored by light industrial development in the future. He said the site might work for apartments without a railroad which currently made the area unsuitable and created other infrastructure issues of concern.

Mayor McCaleb said that citizens had concerns that had not been addressed in the planning process. He suggested tabling the matter to allow for additional study. Mr. Mills then addressed some of the issues brought up by speakers. He said the developer was in favor of a PUD, that water issues would be better after the development, that there are other developments in Broken Arrow with similar access roads, and there are developments underway in Broken Arrow with heavier density.

Vice Mayor Lester said that, to be fair, the developer should have a chance to speak before making a decision.

Mayor McCaleb made a motion to deny BACP 94. Councilman Carter seconded saying that Broken Arrow needed apartments but this site was not the appropriate location for apartments.

Motion:	Move to deny BACP 94.
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Richard Carter, Wade McCaleb
Nays:	Philip Tucker, Craig Thurmond, Mike Lester

The Motion failed.

A second motion was made by Vice Mayor Mike Lester. He moved to table Item 9B.

development that was currently underway. He said that Union prides itself on embedding its schools in the neighborhoods.

Ms. Lesa Johnson expressed concerns regarding traffic, crime, effects on schools, hazards of apartments next to a railroad, and also possible reduction in resale values of the homes. She asked that Council vote to deny Item 9B.

Mayor McCaleb stated that he received the petition with 855 signatures in opposition to the development.

Mr. John Shapiro, Professor of Marketing/Urban Planning at NSU, expressed concern about the railroad and said he questioned a developer's interests in the well being of a community by pursuing such a development.

Mr. Shapiro added that apartments next to the railroad will become problematic. Mayor McCaleb asked Professor Shapiro what his research showed about industrial development. Mr. Shapiro said neither apartments nor industrial are desirable but he asked Council not to rush into choosing the better of two evils. Mr. Shapiro said he believed a park would serve the community well.

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Mr. Gray also addressed fire issues and the capacity of the nearest fire station to fight a 4-story fire. He stated that this proposed amendment to Comprehensive Plan does not serve the interests of the community. He asked that Council not approve Item 9B.

Mayor McCaleb asked if an apartment complex with appropriate set backs, and designed as a gated community might work and preferable to light industrial.

Mr. Gray said that based on the City's Comprehensive Plan, residents purchased their properties with the understanding that they might be neighbored by light industrial development in the future. He said the site might work for apartments without a railroad which currently made the area unsuitable and created other infrastructure issues of concern.

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Vice Mayor Lester said that, to be fair, the developer should have a chance to speak before making a decision.

Mayor McCaleb made a motion to deny BACP 94. Councilman Carter seconded saying that Broken Arrow needed apartments but this site was not the appropriate location for apartments.

Motion: Move to deny BACP 94.

Motion by: Wade McCaleb

Second by: Richard Carter

Ayes: Richard Carter, Wade McCaleb

Nays: Philip Tucker, Craig Thurmond, Mike Lester

The Motion failed.

A second motion was made by Vice Mayor Mike Lester. He moved to table Item 9B.

Motion:	Move to table BACP 94 in order to send it back to the Planning Commission for development of a PUD for submission to the Planning Commission and if approved, to be submitted to Council for consideration.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Mike Lester, Wade McCaleb
Nays:	Richard Carter

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

Section Minutes: The Mayor reconvened the regular session at the noted time of 9:00 p.m.

8. Citizens' Opportunity to Address the Council

Section Minutes: Mr. Gregory Lantay spoke regarding the excellent job of the Broken Arrow Fire Department at the fire earlier in the day at 1205 S. Redbud Ave. He complimented Deputy Chief Greg Nealy and the firefighters on an excellent job.

9. General Council Business

- C. Consideration, possible approval of and authorization to execute Major Change Order No. M02 to the Vision 2025 Gateways and Streetscapes construction contract

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

Motion:	Move to approve Major Change Order No. M02 to the Vision 2025 Gateways and Streetscapes construction contract.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- D. Consideration and possible approval of proposed Residential Fee restructure for Mechanical, Electrical and Plumbing Inspections and associated fee increases for Commercial and Residential; and authorization to revise Chapter 6, Article IX, Building Permit Fees And Charges, for subsequent preview and final ordinance adoption

Item Minutes: Mr. Dave Wooden presented Item 9D as summarized in the Fact Sheet and detailed in the "Permit and Inspection Fee Restructuring Proposal" provided in the agenda packet.

Motion:	Move to approve the proposed residential fee structure, associated fee increases and authorize the staff to revise Chapter 6, Article IX, Building Permit Fees and Charges for preview and adoption at a later date.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- E. Consideration and possible approval of Resolution No. 515 - a resolution of necessity for authority to proceed with condemnation of property located at 2018 Angus Drive, Broken Arrow, Wagoner County, Oklahoma (East Kenosha Widening Project - N. 23rd to N. 37th Street)

Motion: Move to table BACP 94 in order to send it back to the Planning Commission for development of a PUD for submission to the Planning Commission and if approved, to be submitted to Council for consideration.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: Richard Carter

Motion: Move to take a short recess.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Section Minutes: The Mayor reconvened the regular session at the noted time of 9:00 p.m.

8. Citizens' Opportunity to Address the Council

Section Minutes: Mr. Gregory Lantay spoke regarding the excellent job of the Broken Arrow Fire Department at the fire earlier in the day at 1205 S. Redbud Ave. He complimented Deputy Chief Greg Nealy and the firefighters on an excellent job.

9. General Council Business

C. Consideration, possible approval of and authorization to execute Major Change Order No. M02 to the Vision 2025 Gateways and Streetscapes construction contract

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

Motion: Move to approve Major Change Order No. M02 to the Vision 2025 Gateways and Streetscapes construction contract.

Motion by: Richard Carter

Second by: Philip Tucker

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

Nays: None

D. Consideration and possible approval of proposed Residential Fee restructure for Mechanical, Electrical and Plumbing Inspections and associated fee increases for Commercial and Residential; and authorization to revise Chapter 6, Article IX, Building Permit Fees And Charges, for subsequent preview and final ordinance adoption

Item Minutes: Mr. Dave Wooden presented Item 9D as summarized in the Fact Sheet and detailed in the Permit and Inspection Fee Restructuring Proposal" provided in the agenda packet.

Motion: Move to approve the proposed residential fee structure, associated fee increases and

authorize the staff to revise Chapter 6, Article IX, Building Permit Fees and Charges for preview and adoption at a later date.

Motion by: Richard Carter

Second by: Philip Tucker

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

Nays: None

E. Consideration and possible approval of Resolution No. 515 a resolution of necessity for authority to proceed with condemnation of property located at 2018 Angus Drive, Broken Arrow, Wagoner County, Oklahoma East Kenosha Widening Project (N. 23rd to N. 37th Street)

Item Minutes: Beth Anne Wilkening presented this Item and recommended authorization of filing condemnation procedure.

Motion:	Move to approve Resolution No. 515.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

F. Consideration and possible reappointment of Archer Honea and Dick Baze, each to serve an additional three-year term on the Broken Arrow Board of Adjustment, which terms will expire May 2011

Item Minutes: The Mayor introduced the item. Mr. Daroga stated both nominees have expressed their willingness to serve an additional term.

Motion:	Move to reappoint Archer Honea and Dick Baze to each serve an additional three-year term on the Broken Arrow Board of Adjustment.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

10. City Manager's Report

A. Management Development and Enhancement Process for Fire Department

Item Minutes: Mr. Twombly presented the item as summarized in the Fact Sheet.

No action was required or taken.

11. Preview Ordinances

A. An ordinance amending Article I, In General, Chapter 23, Section 23-26, Reserved, of the Broken Arrow Code to be amended to Grounds for Towing of Vehicle from Roadway; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening provided the background on Item 11A as presented in the Fact Sheets provided with the Agenda.

Motion:	Move to forward the preview ordinance to the next agenda for possible adoption.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

12. Ordinances

A. Ordinance No. 2958 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1775, granting a CH zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. Ordinance No. 2959 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1655, granting a RS-3 along with PUD 148 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Item Minutes: Beth Anne Wilkening presented this Item and recommended authorization of filing condemnation procedure.

Motion: Move to approve Resolution No. 515.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

F. Consideration and possible reappointment of Archer Honea and Dick Baze, each to serve an additional three-year term on the Broken Arrow Board of Adjustment, which terms will expire May 2011

Item Minutes: The Mayor introduced the item. Mr. Daroga stated both nominees have expressed their willingness to serve an additional term.

Motion: Move to reappoint Archer Honea and Dick Baze to each serve an additional three-year term on the Broken Arrow Board of Adjustment.

Motion by: Richard Carter

Second by: Philip Tucker

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

Nays: None

10. City Manager's Report

A. Management Development and Enhancement Process for Fire Department

Item Minutes: Mr. Twombly presented the item as summarized in the Fact Sheet.

No action was required or taken.

11. Preview Ordinances

A. An ordinance amending Article I, In General, Chapter 23, Section 23-26, Reserved, of the Broken Arrow Code to be amended to Grounds for Towing of Vehicle from Roadway; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening provided the background on Item 11A as presented in the Fact Sheets provided with the Agenda.

Motion: Move to forward the preview ordinance to the next agenda for possible adoption.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

12. Ordinances

A. Ordinance No. 2958 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1775, granting a CH zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. Ordinance No. 2959 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1655, granting a RS-3 along with PUD 148 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- C. Ordinance No. 2960 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1665, granting an RS-3 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. Ordinance No. 2961 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1696, granting CH along with PUD 166A zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. Ordinance No. 2962 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1723, granting RS-3 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F. Ordinance No. 2963 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1762, granting CH zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening provided the background on Items 12A through 12F as presented in the Fact Sheets provided with the Agenda.

Motion:	Move to adopt Ordinance Nos. 2958 through 2963.
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 Clause of Ordinance No. 2958 through 2963.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mayor McCaleb mentioned the Youth City Council Mock Council Meeting will be held April 28, 2008.

Councilman Carter noted this Saturday is the City Council Adopt-A-Mile clean-up.

In response to Councilman Tucker’s inquiry, Mr. Wooden stated the storm debris clean-up is currently in the mile between 81st and 91st Streets. A week was lost due to the recent rains and flooding.

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

Section Minutes: The Mayor reconvened the regular session at the noted time of 9:37 p.m.

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

Section Minutes: The Mayor reconvened the regular session at the noted time of 9:45 p.m.

C. Ordinance No. 2960 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1665, granting an RS-3 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

D. Ordinance No. 2961 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1696, granting CH along with PUD 166A zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

E. Ordinance No. 2962 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1723, granting RS-3 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

F. Ordinance No. 2963 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1762, granting CH zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening provided the background on Items 12A through 12F as presented in the Fact Sheets provided with the Agenda.

Motion: Move to adopt Ordinance Nos. 2958 through 2963.

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 Clause of Ordinance No. 2958 through 2963.

Motion by: Richard Carter

Second by: Mike Lester

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mayor McCaleb mentioned the Youth City Council Mock Council Meeting will be held April 28, 2008.

Councilman Carter noted this Saturday is the City Council Adopt-A-Mile clean-up.

In response to Councilman Tucker's inquiry, Mr. Wooden stated the storm debris clean-up is currently in the mile between 81

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and 91

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Streets. A week was lost due to the recent rains and flooding.

Motion: Move to recess to enter into Broken Arrow Municipal Authority meeting.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Section Minutes: The Mayor reconvened the regular session at the noted time of 9:37 p.m.

Motion: Move to take a short break before returning for Executive Session.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

Section Minutes: The Mayor reconvened the regular session at the noted time of 9:45 p.m.

Motion:	Move to enter into Executive Session.
Motion by:	Craig Thurmond
Second by:	Mike Lester
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 the purchase and appraisal of real property associated with a potential Events Park located southwest of Kenosha and South Evans Road in Wagoner County as previously identified in the Agenda under 25 O.S. § 307(B)(3); possible purchase and appraisal of real estate located at New Orleans and 209th Street under 25 O.S. §307(B)(3); matters concerning discussion of a proposed economic development contract regarding property located at 209th and Kenosha which may include the purchase and appraisal of property, financing and the creation of a proposal to entice a business to locate in Broken Arrow, all under 25 O.S. § 307(C)(10) and § 307(B)(3) as public disclosure could violate the confidentiality of the business; negotiations with employees and representatives of employee groups, specifically the Fraternal Order of Police and the IAFF under 25 O.S. § 307(B)(2); and pending litigation concerning United States of America v. Union Pacific Railroad Company (Double Eagle Refinery Superfund Site, Oklahoma City, OK), United States District Court for the Western District of Oklahoma, Case No. 5:06-CV-0887-C; City of Broken Arrow v. Travis Freeman, et al., Tulsa County District Court Case Number CJ-2008-112; City of Broken Arrow v. Gloria J. Mayfield, et al., Tulsa County District Court Case Number CJ-2008-01625; City of Broken Arrow v. Helen Blankenship Living Trust, et al., Tulsa County District Court Case Number CJ-2008-1125; and KOKI Fox 23 News v. The City of Broken Arrow, Tulsa County District Court Case Number CJ-2007-7786 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 session at the noted time of 11:20 p.m.

Motion:	In regard to Item 9A, move to authorize the City Manager to continue negotiations with the land owner and table this item to the next Council meeting.
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 Manager to proceed as directed with regard to the purchase and appraisal of real estate located at New Orleans Street and 209th Street.
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 Manager to proceed as directed with regard to a potential economic development contract regarding property located at 209th Street and Kenosha Street.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to authorize the Assistant City Manager to proceed as directed in negotiations with the FOP and the IAFF.
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April 15, 2008

Motion: Move to enter into Executive Session.

Motion by: Craig Thurmond

Second by: Mike Lester

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 the purchase and appraisal of real property associated with a potential Events Park located southwest of Kenosha and South Evans Road in Wagoner County as previously identified in the Agenda under 25 O.S. 307(B)(3); possible purchase and appraisal of real estate located at New Orleans and 209th Street under 25 O.S. 307(B)(3); matters concerning discussion of a proposed economic development contract regarding property located at 209th and Kenosha which may include the purchase and appraisal of property, financing and the creation of a proposal to entice a business to locate in Broken Arrow, all under 25 O.S. 307(C)(10) and 307(B)(3) as public disclosure could violate the confidentiality of the business; negotiations with employees and representatives of employee groups, specifically the Fraternal Order of Police and the IAFF under 25 O.S. 307(B)(2); and pending litigation concerning United States of America v. Union Pacific Railroad Company Double Eagle Refinery Superfund Site, Oklahoma City, OK), United States District Court for the Western District of Oklahoma, Case No. 5:06-CV-0887-C; City of Broken Arrow v. Travis Freeman, et al., Tulsa County District Court Case Number CJ-2008-112; City of Broken Arrow v. Gloria J. Mayfield, et al., Tulsa County District Court Case Number CJ-2008-01625; City of Broken Arrow v. Helen Blankenship Living Trust, et al., Tulsa County District Court Case Number CJ-2008-1125; and KOKI Fox 23 News v. The City of Broken Arrow, Tulsa County District Court Case Number CJ-2007-7786 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 session at the noted time of 11:20 p.m.

Motion: In regard to Item 9A, move to authorize the City Manager to continue negotiations with the land owner and table this item to the next Council meeting.

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 Manager to proceed as directed with regard to the purchase and appraisal of real estate located at New Orleans Street and 209th Street.

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 Manager to proceed as directed with regard to a potential economic development contract regarding property located at 209

th

Street

and Kenosha Street.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

Motion: Move to authorize the Assistant City Manager to proceed as directed in negotiations with the FOP and the IAFF.

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 Manager to resolve the City's involvement with regard to United States of America vs. Union Pacific Railroad Company consistent with Council direction.
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 file demands for jury trial in the cases of City of Broken Arrow v. Travis Freeman, et al. and City of Broken Arrow v. Helen Blankenship Living Trust, et al.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to authorize the City Attorney to proceed as directed in the case of KOKI Fox 23 News v. 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

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

The meeting was adjourned at the noted time of 11:23 p.m.

Mayor

City Clerk

April 15, 2008

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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 Manager to resolve the City's involvement with regard to United States of America vs. Union Pacific Railroad Company consistent with Council direction.

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 file demands for jury trial in the cases of City of Broken Arrow v. Travis Freeman, et al. and City of Broken Arrow v. Helen Blankenship Living Trust, et al.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

Motion: Move to authorize the City Attorney to proceed as directed in the case of KOKI Fox 23 News v. 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

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

The meeting was adjourned at the noted time of 11:23 p.m.

Mayor

City Clerk