

BROKEN ARROW CITY COUNCIL MINUTES
August 5, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, August 5, 2008, at 6:30 p.m.

1. Call to Order

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

2. Invocation

Section Minutes: Pastor Charles 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: Councilman Richard Carter led those present in the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Vice Mayor Lester requested that Item 5P be removed from the Consent Agenda for discussion. Councilman Thurmond requested that Item 5U be removed from the Consent Agenda.

- A. Approval of the regular meeting minutes of July 15, 2008
- B. Acceptance of the minutes of the Planning Commission meeting held July 10, 2008
- C. Approval of a proclamation declaring August 16, 2008 as 'Kevin Pohawpatchoko Day' in the City of Broken Arrow
- D. Approval of calendar year 2008 Amended City Meeting Calendar
- E. Approval of and authorization to execute Budget Amendment No. 1 for Fiscal Year 2008-2009
- F. Approval of Resolution No. 530 authorizing the City Attorney to agree to entry of judgment in the case of The City of Broken Arrow, Oklahoma v. H. Maurice Marquette, et al., Tulsa County District Court Case Number CJ-2007-348 and directing the City Attorney to prepare and file the necessary documents to effectuate the settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. § 158
- G. Approval of Resolution No. 531 authorizing the City Attorney to agree to entry of judgment in the case of The City of Broken Arrow, Oklahoma v. H. Maurice Marquette, Michael Dale Chambers, et al., Tulsa County District Court Case Number CJ-2007-349, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. § 158
- H. Approval of Resolution No. 533 confirming the publication of the City of Broken Arrow's Zoning Code of Ordinances
- I. Approval of and authorization to execute a Letter of Intent to negotiate exclusively with Stoney Creek Hospitality Corporation for construction and operation of a hotel-conference center
- J. Approval of and authorization to execute a Memorandum of Understanding concerning wireless fee remissions between Indian Nations Council of Governments and the City of Broken Arrow

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Absent: None

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J. Approval of and authorization to execute a Memorandum of Understanding concerning wireless fee

remissions between Indian Nations Council of Governments and the City of Broken Arrow

- K. Approval of and authorization to execute a City of Broken Arrow Services Contract between the City and the Broken Arrow Seniors, Inc. (BASI), for providing educational, recreational, social and nutritional programs for senior citizens from July 1, 2008 through June 30, 2009
- L. Approval of and authorization to execute a City of Broken Arrow Services Contract between the City and Domestic Violence Intervention Services (DVIS), for the provision of a full-time counselor from July 1, 2008 through June 30, 2009
- M. Approval of and authorization to execute a Clinical Rotation Agreement for EMS students, between the City of Broken Arrow and the Board of Regents of the University of Oklahoma on behalf of Rogers State University, from July 1, 2008 through June 30, 2009
- N. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Community Playhouse(BACP), for use of the Community Playhouse in the Main Place complex, from July 1, 2008 through June 30, 2010
- O. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Seniors Inc. (BASI), for use of Building B and Room 110 in the Main Place complex, from date of execution through September 30, 2009
- P. Approval of Exemption Waiver pursuant to Section 16-12, C-4 of the Broken Arrow Code, to allow Lithco Construction to conduct concrete pours at night due to daytime temperatures exceeding 90 degrees, between the hours of 10:00 p.m. and 7:00 a.m. on August 7, 12, 15 and 21, 2008
- Q. Approval of BAZ 1804, 1.25 acres, 1 lot, A-RMH to RMH, one-half mile east of 37th Street (209th E. Avenue), one-half mile north of Omaha Street (51st Street) at 21380 East 47th Street, in the Sun City II Addition
- R. Approval of BAZ 1806, 0.98 acres, 1 lot, A-RMH to RMH, one-fourth mile east of 37th Street (209th E. Avenue), and one-eighth mile north of Omaha Street (51st Street) at 21321 E. 49th Street, in the Sun City I Addition
- S. Approval of PT08-107, Conditional Final Plat for Lynn Lane Commercial Center of Broken Arrow, 5.48 acres, 2 lots, CH, north of the northwest corner of Kenosha Street (71st Street) and 9th Street (Lynn Lane/177th E. Avenue)
- T. Approval of PT08-109, Conditional Final Plat of Midfirst at Lynn Lane, 1.45 acres, 1 lot, CG, northwest corner of Albany Street (61st Street) and 9th Street (Lynn Lane/177th E. Avenue)
- U. Approval of PUD 180A, Major Amendment, Tuscan Plaza, 9.58 acres, 3 lots, CG and PUD 180A, southeast corner of Albany Street (61st Street) and 9th Street (Lynn Lane/177th E. Avenue)
- V. Approval bids received and award of the most advantageous bid for a Breathing Air Cascade System for Fire Station No. 6 to Compare Mako, and authorization to execute Budget Amendment No. 2 for Fiscal Year 2008-2009
- W. Approval of bids received and award of the most advantageous bid to L & M Furniture for office cubicles at the Police Department
- X. Approval of rejection of bids for the Marquee Sign - Nienhuis Park, and specifically find that the interests of the citizens of Broken Arrow are served by rejection
- Y. Acceptance of a Sewer Line Easement from M & L Terra, LLC (S13 T18N R14E) (Project: M & L Terra, LLC)
- Z. Acceptance of a General Warranty Deed from James Eugene Riley, Trustee of the Revocable Living Trust of James Eugene Riley Dated July 15, 2003 (S17 T18N R14E) (Project: N&S Olive Avenue between Washington Street & Houston Street) (ST0522)

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- AA. Acceptance of a General Warranty Deed from Wagoner County Miracle Of Faith Holiness Church, Inc. (S31 T19N R15E) (Project: Intersection Improvements Omaha Street & N. 23 Street)
- BB. Acceptance of a General Warranty Deed from Peter O. Worline and Patricia N. Worline (S18 T18N R15E) (Project: Washington Street Extension from 23 Street to SH51)
- CC. Approval of the Claims List

Mayor McCaleb asked for a motion to approve the Consent Agenda except Items 5P and 5U.

Motion:	Move to approve the Consent Agenda except Items 5P and 5U.
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

- P. Approval of Exemption Waiver pursuant to Section 16-12, C-4 of the Broken Arrow Code, to allow Lithco Construction to conduct concrete pours at night due to daytime temperatures exceeding 90 degrees, between the hours of 10:00 p.m. and 7:00 a.m. on August 7, 12, 15 and 21, 2008

Item Minutes: Vice Mayor Lester said he was contacted by residents whose homes back up to the construction area. He asked that the representative for Lithco Construction, Inc. step forward. John Gilberson of Lithco Construction, Inc. came forward. Vice Mayor Lester asked that the company contact the homeowners located behind the work area, approximately 14 houses. Vice Mayor Lester said that Lithco should make an effort to accommodate the residents who cannot sleep due to the noise and lights at 3:00 in the morning, and suggested that Lithco offer to put some residents up in hotels if that was necessary, or to try to accommodate the residents in some manner.

Mr. Gilberson acknowledged the Vice Mayor's request.

Vice Mayor Lester also asked Michael Skates to look into the right-of-way situation behind the homes around the Target development. The Vice Mayor said dust is terrible and the dirt contractor should have a routine water truck run. Vice Mayor Lester added that residents were finding snakes and rats in their yards, and suggested that the grass in the right-of-way be cut shorter. He added that one resident is experiencing some problems with water runoff. Mr. Skates said he would look these matters.

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

Item Minutes: Councilman Thurmond left the room.

- U. Approval of PUD 180A, Major Amendment, Tuscan Plaza, 9.58 acres, 3 lots, CG and PUD 180A, southeast corner of Albany Street (61st Street) and 9th Street (Lynn Lane/177th E. Avenue)

Motion:	Move to approve item U of the Consent Agenda.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Richard Carter, Mike Lester, Philip Tucker, Wade McCaleb
Nays:	None

Councilman Thurmond was absent from the room during the vote and returned immediately thereafter.

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August 5, 2008

AA. Acceptance of a General Warranty Deed from Wagoner County Miracle Of Faith Holiness Church, Inc. S31 T19N R15E) Project: Intersection Improvements Omaha Street & N. 23 Street)

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Motion: Move to approve the Consent Agenda except Items 5P and 5U.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

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Motion: Move to approve item P of the Consent Agenda.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Item Minutes: Councilman Thurmond left the room.

U. Approval of PUD 180A, Major Amendment, Tuscan Plaza, 9.58 acres, 3 lots, CG and PUD 180A, southeast corner of Albany Street 61st Street) and 9th Street Lynn Lane/177th E. Avenue)

Motion: Move to approve item U of the Consent Agenda.

Motion by: Richard Carter

Second by: Mike Lester

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

Nays: None

Councilman Thurmond was absent from the room during the vote and returned immediately thereafter.

C. Approval of a proclamation declaring August 16, 2008 as 'Kevin Pohawpatchoko Day' in the City of Broken Arrow

Item Minutes: Councilman Carter said he would like to have the Proclamation read aloud and made a part of the record. He asked if Mr. Pohawpatchoko were present, and the Mayor said he was not. Mayor McCaleb read the Proclamation aloud. The Proclamation is attached to these minutes and made a part of the record.

This Item was approved as part of the Consent Agenda.

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

A. Presentation: Metropolitan Tulsa Transit Authority report on the status of Bus Route No. 508 and Express Route No. 902

Item Minutes: Mayor McCaleb said the City contracted with the Metropolitan Tulsa Transit Authority (Tulsa Transit) to provide public transportation services within the city limits of Broken Arrow. He added the City Council ratified the contract with Tulsa Transit for fiscal year 2008-09 providing \$208,000 for Route No. 508 at the July 1, 2008 meeting. He said that, in addition to Route No. 508, Tulsa Transit also provides express bus service from Broken Arrow to downtown Tulsa.

Mayor McCaleb introduced Mr. Cartwright of MTTA who made a presentation addressing the success and potential improvements for both routes. The presentation is attached to these minutes and made a part of the record.

Discussion followed regarding actual cost per passenger vs. subsidized cost, bus routes to Bass Pro, ridership waiting list, disabled services, coupon books, and ridership statistics. Councilman Tucker said he received a call from an individual who said he did not have access to the bus. Mr. Cartwright asked Councilman Tucker to have the person call him to discuss the situation. Mr. Twombly asked Mr. Cartwright to quantify how many people are being turned away and provide that information to him.

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

Section Minutes: Joe Przestrzelski, 4741 S. Ironwood Avenue, presented some pictures to Council of a storm drainage ditch, sewage, sidewalk and fence issues on 111th Street off Elm Place. Mr. Przestrzelski said he reported these problems to the City and the Health Department several times. The Mayor requested that Mr. Wooden, Assistant City Manager, look into these issues and report back to Council on the outcome.

Scott Cook, 19935 E. 44th Street, addressed Council regarding his concern over non-compliance with ADA Standards for Accessible Design on curb cuts and detectable warnings on the sidewalks. The Mayor commented that the City is placing the warning plates in the old neighborhoods. Mr. Skates commented the new law went into effect about a year ago, and the new developments are required to install the curb cuts and warning plates. Mr. Skates added that the cuts and plates are shown on the plans. Mr. Wooden noted the areas in question were developed in the County prior to annexation into the City, adding that the City was not a part of the development process for the area.

9. **General Council Business**

A. Consideration, possible approval of and authorization to execute Budget Amendment No. 3 for Fiscal Year 2008-2009 for the purpose of redefining projects included in the Fiscal Year 2008-2009 Budget

Item Minutes: Mr. Wooden presented this item consistent with the Fact Sheet provided in the Agenda packet. He summarized, saying that Council authorized staff to research and report back to Council regarding methods of assistance other than sales tax reimbursement based methods that might assist with development costs. He said staff determined that in relation to the Tapp Agreement, this assistance could be provided by redefining projects that were identified in the Adopted Fiscal Year 2008-2009 budget.

Mr. Wooden said that staff is recommending that the Elm widening from Kenosha to Houston be eliminated from the current Sales Tax Capital Improvement Fund ("STCI") budget and be included in a future bond issue. He said

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9. General Council Business

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the project has been out for bid twice and both times bids came in extremely high. Additional funding is necessary before the project is started.

Mr. Wooden stated that \$2,770,000 was budgeted for Hillside Drive from Bass Pro to Lowe's. He said the portion from 9th Street to Lowe's was taken care of through another funding source, and the portion from 9th Street to Bass Pro will wait until the property owner is ready to give the City right-of-way for the project.

Mr. Wooden added that due to the dramatic increases in the price of asphalt, concrete and fuel, all projects named in the 2004 Bond Issue are being bid in amounts far in excess of the funding provided in the 2004 Bond Issue. He said staff recommends the funding be set aside and used for cost overruns from the 2004 bond income along with some savings leftover from the 2001 bond issue.

Mr. Wooden explained that the most recent project, Kenosha widening from 23rd to the Creek Turnpike, was funded in the 2004 Bond Issue at \$2,930,000. He said the current bid price plus cost of right-of-way, cost of relocations and cost of design for this project is \$3,951,118. Mr. Wooden said the additional funds can come from the funds remaining in the 2001 Bond Issue. He added the funds from the 2001 Bond issue are available for use as they are a result of funds approved for street projects that remain after all the named projects have been completed. Mr. Wooden said the reallocation of these funds would provide staff more flexibility in funding the remainder of the 2004 Bond Issue street projects.

Motion:	Move to approve Budget Amendment No. 3.
Motion by:	Mike Lester
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. 532 casting a vote for one Trustee of the Oklahoma Municipal Retirement Fund to fill the expiring term of one Trustee

Item Minutes: The Mayor introduced the item noting the recommendation is to vote for Jay Heinrichs.

Motion:	Move to approve Resolution No. 532 voting for Jay Heinrichs as District One Trustee to the Oklahoma Municipal Retirement Fund.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- C. Consideration, possible approval of and authorization to execute Resolution No. 534 requesting programming of Tulsa Urbanized Area Surface Transportation Funds for 23rd Street improvements between Kenosha and Houston Streets

Item Minutes: Mr. Twombly presented this Item consistent with the Fact Sheet provided in the Agenda Packet.

Motion:	Move to approve Resolution No. 534 requesting programming of Tulsa Urbanized Area Surface Transportation Funds for 23rd Street improvements between Kenosha and Houston Streets.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- D. Consideration, possible approval of and authorization to execute the 2008-09 Labor Agreement between the Communication Workers' of America District 6 and the City of Broken Arrow

Item Minutes: Mr. Twombly presented this Item consistent with the Fact Sheet provided in the Agenda Packet.

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Motion: Move to approve Budget Amendment No. 3.

Motion by: Mike Lester

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. 532 casting a vote for one Trustee of the Oklahoma Municipal Retirement Fund to fill the expiring term of one Trustee

Item Minutes: The Mayor introduced the item noting the recommendation is to vote for Jay Heinrichs.

Motion: Move to approve Resolution No. 532 voting for Jay Heinrichs as District One Trustee

to the Oklahoma Municipal Retirement Fund.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

C. Consideration, possible approval of and authorization to execute Resolution No. 534 requesting programming of Tulsa Urbanized Area Surface Transportation Funds for 23rd Street improvements between Kenosha and Houston Streets

Item Minutes: Mr. Twombly presented this Item consistent with the Fact Sheet provided in the Agenda Packet.

Motion: Move to approve Resolution No. 534 requesting programming of Tulsa Urbanized

Area Surface Transportation Funds for 23rd Street improvements between Kenosha and Houston Streets.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

D. Consideration, possible approval of and authorization to execute the 2008-09 Labor Agreement between the Communication Workers' of America District 6 and the City of Broken Arrow

Item Minutes: Mr. Twombly presented this Item consistent with the Fact Sheet provided in the Agenda Packet.

Motion:	Move to approve the 2008-09 Labor Agreement between the Communication Workers' of America District 6 and the City of Broken Arrow.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- E. Consideration, possible approval of and authorization to execute Community Development Block Grant (CDBG) Fiscal Year 2008 Social Services allocation recommendation: Broken Arrow Neighbors \$16,756; Broken Arrow Seniors \$12,567; Margaret Hudson Program \$11,805; Family & Children's Services \$8,378; Child Abuse Network \$7,016; Rhoades Elementary School Before/After School Tutoring \$4,500; Arrow Springs Elementary School After School Tutoring \$3,373; Treetops Outreach \$3,105

Item Minutes: Mr. Twombly presented this Item consistent with the Fact Sheet provided in the Agenda Packet and the Memorandum included in the packet.

Ms. Janice Edmiston, Child Abuse Network Development Director, noted the organization truly appreciates being included in the funding. She said the average age of children receiving their services is 6 ½ years and the funds also allow the Network to serve an average of 1,822 children of which about 100 are from Broken Arrow.

Motion:	Move to approve the Community Development Block Grant (CDBG) Fiscal Year 2008 Social Services allocation recommendation.
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- F. Consideration, possible approval of and authorization to execute a contract for economic development services with the Broken Arrow Economic Development Corporation, from July 1, 2008 through June 30, 2009

Item Minutes: Mr. Twombly presented this Item consistent with the Fact Sheet provided in the Agenda packet.

Motion:	Move to approve the contract for economic development services with the Broken Arrow Economic Development Corporation.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- G. Consideration and possible action on proposed changes in cemetery charges for sale of lots/spaces and services

Item Minutes: Mr. Lee Zirk presented this Item consistent with the Fact Sheet provided in the Agenda packet.

Mr. Wooden explained the intention is to have the cemetery be self supporting. He said Sales Tax Capital Improvements are currently used to subsidize the cemetery for capital improvements at about \$31,000 per year. He added that staff recommends the requirement for cemetery capital improvements be paid for through cemetery fees, and the Sales Tax Capital Improvement funds be used in another area.

Motion:	Move to approve the Cemetery cost increases as proposed by the staff and direct staff to present the appropriate Ordinance changes, for preview, at the next City Council Meeting.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Broken Arrow City Council Minutes Page 6 of 13

August 5, 2008

Motion: Move to approve the 2008-09 Labor Agreement between the Communication Workers' of America District 6 and the City of Broken Arrow.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

E. Consideration, possible approval of and authorization to execute Community Development Block Grant (CDBG) Fiscal Year 2008 Social Services allocation recommendation: Broken Arrow Neighbors \$16,756; Broken Arrow Seniors \$12,567; Margaret Hudson Program \$11,805; Family & Children's Services \$8,378; Child Abuse Network \$7,016; Rhoades Elementary School Before/After School Tutoring \$4,500; Arrow Springs Elementary School After School Tutoring \$3,373; Treetops Outreach \$3,105

Item Minutes: Mr. Twombly presented this Item consistent with the Fact Sheet provided in the Agenda Packet and the Memorandum included in the packet.

Ms. Janice Edmiston, Child Abuse Network Development Director, noted the organization truly appreciates being included in the funding. She said the average age of children receiving their services is 6 years and the funds also allow the Network to serve an average of 1,822 children of which about 100 are from Broken Arrow.

Motion: Move to approve the Community Development Block Grant (CDBG) Fiscal Year 2008 Social Services allocation recommendation.

Motion by: Richard Carter

Second by: Craig Thurmond

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

Nays: None

F. Consideration, possible approval of and authorization to execute a contract for economic development services with the Broken Arrow Economic Development Corporation, from July 1, 2008 through June 30, 2009

Item Minutes: Mr. Twombly presented this Item consistent with the Fact Sheet provided in the Agenda packet.

Motion: Move to approve the contract for economic development services with the Broken Arrow Economic Development Corporation.

Motion by: Richard Carter

Second by: Mike Lester

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

Nays: None

G. Consideration and possible action on proposed changes in cemetery charges for sale of lots/spaces and services

Item Minutes: Mr. Lee Zirk presented this Item consistent with the Fact Sheet provided in the Agenda packet.

Mr. Wooden explained the intention is to have the cemetery be self supporting. He said Sales Tax Capital Improvements are currently used to subsidize the cemetery for capital improvements at about \$31,000 per year. He added that staff recommends the requirement for cemetery capital improvements be paid for through cemetery fees, and the Sales Tax Capital Improvement funds be used in another area.

Motion: Move to approve the Cemetery cost increases as proposed by the staff and direct staff

to present the appropriate Ordinance changes, for preview, at the next City Council Meeting.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

- H. Consideration and possible action to approve the Steeplechase Farms Storm Improvement Plans for potential assessment district

Item Minutes: Mr. Wooden presented this Item consistent with the Fact Sheet provided in the Agenda packet.

Motion:	Move to approve the Steeplechase Farms storm improvement plans for potential assessment district.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

10. City Manager’s Report

- A. Development of City Wide Environmental Action Plan

Item Minutes: Jim Twombly presented this item saying it was an informational item. He said the City Council established, as one of their Strategic Goals, the preparation and execution of a Citywide Environmental Action Plan (Green Plan). He said the City's Green Plan will address all areas of city activities and will provide guidelines on how to achieve a more environmental friendly City. Mr. Twombly added that preparation of the Green Plan will involve all members of the Administrative Staff, other city personnel having special expertise, and establishing appropriate committees. Mr. Twombly explained that six action committees are now designated to develop the Green Plan for specific areas. He summarized the role of each committee and their area of responsibility as described in the Fact Sheet provided in the agenda packet.

Mr. Twombly said the preparation and execution of the City's Green Plan will be an ongoing process and added that each Department Director will include the appropriate information in their annual Management Plans.

11. Preview Ordinances

- A. An ordinance amending Chapter 7, Article VI, Section 7-120 of the Broken Arrow Code pertaining to Massage Applications; repealing all ordinances to the contrary; and declaring an emergency
- B. An ordinance amending Chapter 16, Article I, Section 16-3 of the Broken Arrow Code pertaining to Assault and Battery; repealing all ordinances to the contrary; and declaring an emergency
- C. An ordinance amending Chapter 16, Article 8, Section 16-7 of the Broken Arrow Code pertaining to Improper Use of Laser Pointers; repealing all ordinances to the contrary; and declaring an emergency
- D. An ordinance amending Chapter 23, Article II, Section 23-87 of the Broken Arrow Code pertaining to Reckless Driving; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Assistant City Attorney, Lesli Myers, presented Items 11A-11D consistent with the Fact Sheets provided in the Agenda packet and noting that the proposed changes will bring the City into compliance with State Statutes.

- E. An ordinance amending Chapter 24, Water, Sewer and Sewage Disposal, Article VI Water Service Charges and Rates, Section 24-608, Water Rates Established and Section 24-609 Special Contract Rates Established of the Broken Arrow Code, repealing all ordinances to the contrary, and declaring an emergency

Item Minutes: Mr. Wooden presented this item consistent with the Fact Sheet provided in the Agenda packet.

Motion:	Move to forward preview ordinances 11A- 11E to the next agenda for possible adoption.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

H. Consideration and possible action to approve the Steeplechase Farms Storm Improvement Plans for potential assessment district

Item Minutes: Mr. Wooden presented this Item consistent with the Fact Sheet provided in the Agenda packet.

Motion: Move to approve the Steeplechase Farms storm improvement plans for potential assessment district.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

10. City Manager's Report

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D. An ordinance amending Chapter 23, Article II, Section 23-87 of the Broken Arrow Code pertaining to Reckless Driving; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Assistant City Attorney, Lesli Myers, presented Items 11A-11D consistent with the Fact Sheets provided in the Agenda packet and noting that the proposed changes will bring the City into compliance with State Statutes.

E. An ordinance amending Chapter 24, Water, Sewer and Sewage Disposal, Article VI Water Service Charges and Rates, Section 24-608, Water Rates Established and Section 24-609 Special Contract Rates Established of the Broken Arrow Code, repealing all ordinances to the contrary, and declaring an emergency

Item Minutes: Mr. Wooden presented this item consistent with the Fact Sheet provided in the Agenda packet.

Motion: Move to forward preview ordinances 11A- 11E to the next agenda for possible adoption.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

12. Ordinances

- A. Ordinance No. 2979 - an ordinance closing a street over and across a tract of land that is a part of Berwick on Cedar Ridge, Blocks 2, 3, 4, 5, & 6, a Replat of a Part of Cedar Ridge Club Addition (Plat No. 2895) to the City of Broken Arrow, Tulsa County, Oklahoma, filed as Plat No. 6017, more particularly described as all that part of "West Twin Oaks Street" dedicated by Plat No. 6017, and providing for reservation of rights within the closed alleyways, and declaring an emergency

Section Minutes: Mr. Skates presented this item consistent with the Fact Sheet provided in the Agenda packet.

Motion:	Move to adopt Ordinance No. 2979.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance No. 2979.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilman Carter commented he has been contacted by residents near the St. John Hospital construction site regarding dust and noise. He requested that staff notify the contractor that he needs to water the area more frequently.

14. Executive Session

- A. None

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

15. Adjournment

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

The meeting was adjourned at the noted time of 8:04 p.m.

Mayor

City Clerk

12. Ordinances

A. Ordinance No. 2979 an ordinance closing a street over and across a tract of land that is a part of Berwick on Cedar Ridge, Blocks 2, 3, 4, 5, & 6, a Replat of a Part of Cedar Ridge Club Addition Plat No. 2895) to the City of Broken Arrow, Tulsa County, Oklahoma, filed as Plat No. 6017, more particularly described as all that part of West Twin Oaks Street" dedicated by Plat No. 6017, and providing for reservation of rights within the closed alleyways, and declaring an emergency

Section Minutes: Mr. Skates presented this item consistent with the Fact Sheet provided in the Agenda packet.

Motion: Move to adopt Ordinance No. 2979.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause of Ordinance No. 2979.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

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14. Executive Session

A. None

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

15. Adjournment

Motion: Move to adjourn.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

The meeting was adjourned at the noted time of 8:04 p.m.

Mayor

City Clerk

PROCLAMATION

Whereas, Kevin Georvan Pohawpatchoko began his Naval career October 10, 1986, and after twenty years of faithful and dedicated service will retire from the United States Navy in August 2008; and

Whereas, Mr. Pohawpatchoko enlisted in the United States Navy on October 10, 1986, serving Active Duty from 1986 to 1995 aboard the USS Bagely, and at the Meridian, Mississippi Naval Air Station; serving Reserve Duty from 1995 to the present stationed in Broken Arrow, Oklahoma with assignment aboard the USS Sacramento, and service in Iraq and Korea; and

Whereas, Petty Officer Pohawpatchoko has received numerous honors throughout his career with the United States Navy, including: Global War on Terrorism Expeditionary and Terrorism Service Medals, 2 National Defense Service Medals, 2 Combat Action Ribbons with Gold Star, Navy & Marine Corps Achievement Medal, 2 Joint Meritorious Unit Awards with Oak Leaf Cluster, 2 Meritorious Unit Commendations, 2 Good Conduct Medals, 4 Naval Reserve Meritorious Service Medals, Military Outstanding Volunteer Medal, 4 Sea Service Deployment Ribbons, 2 Navy & Marine Corps Overseas Service Ribbons, 2 Armed Forces Reserve Medals, Expert Rifleman Medal and the Expert Pistol Shot Medal, and;

Whereas, Petty Officer Pohawpatchoko, answered the call to serve our Nation, shouldered great responsibility and lived up to the highest standards of duty and honor, ready to give all for our country;

Now, therefore, I, J. Wade McCaleb, Sr., Mayor of the City of Broken Arrow, do hereby proclaim August 16, 2008, as:

KEVIN POHAWPATCHOKO DAY

In the City of Broken Arrow, Oklahoma.

Now, therefore, I, J. Wade McCaleb, Sr., Mayor of the City of Broken Arrow, do hereby express my lasting gratitude for his service and urge our citizens to join me in recognizing the contribution of valor and sacrifice made by Kevin Georvan Pohawpatchoko.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Broken Arrow to be affixed this 5th day of August, in the year of our Lord, Two Thousand and Eight.

Mayor

Attest:

City Clerk

PROCLAMATION

Whereas, Kevin Georvan Pohawpatchoko began his Naval career October 10, 1986, and after twenty years of faithful and dedicated service will retire from the United States Navy in August 2008; and

Whereas, Mr. Pohawpatchoko enlisted in the United States Navy on October 10, 1986, serving Active Duty from 1986 to 1995 aboard the USS Bagely, and at the Meridian, Mississippi Naval Air Station; serving Reserve Duty from 1995 to the present stationed in Broken Arrow, Oklahoma with assignment aboard the USS Sacramento, and service in Iraq and Korea; and

Whereas, Petty Officer Pohawpatchoko has received numerous honors throughout his career with the United States Navy, including: Global War on Terrorism Expeditionary and Terrorism Service Medals, 2 National Defense Service Medals, 2 Combat Action Ribbons with Gold Star, Navy & Marine Corps Achievement Medal, 2 Joint Meritorious Unit Awards with Oak Leaf Cluster, 2 Meritorious Unit Commendations, 2 Good Conduct Medals, 4 Naval Reserve Meritorious Service Medals, Military Outstanding Volunteer Medal, 4 Sea Service Deployment Ribbons, 2 Navy & Marine Corps Overseas Service Ribbons, 2 Armed Forces Reserve Medals, Expert Rifleman Medal and the Expert Pistol Shot Medal, and;

Whereas, Petty Officer Pohawpatchoko, answered the call to serve our Nation, shouldered great responsibility and lived up to the highest standards of duty and honor, ready to give all for our country;

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Mayor

Attest:

City Clerk

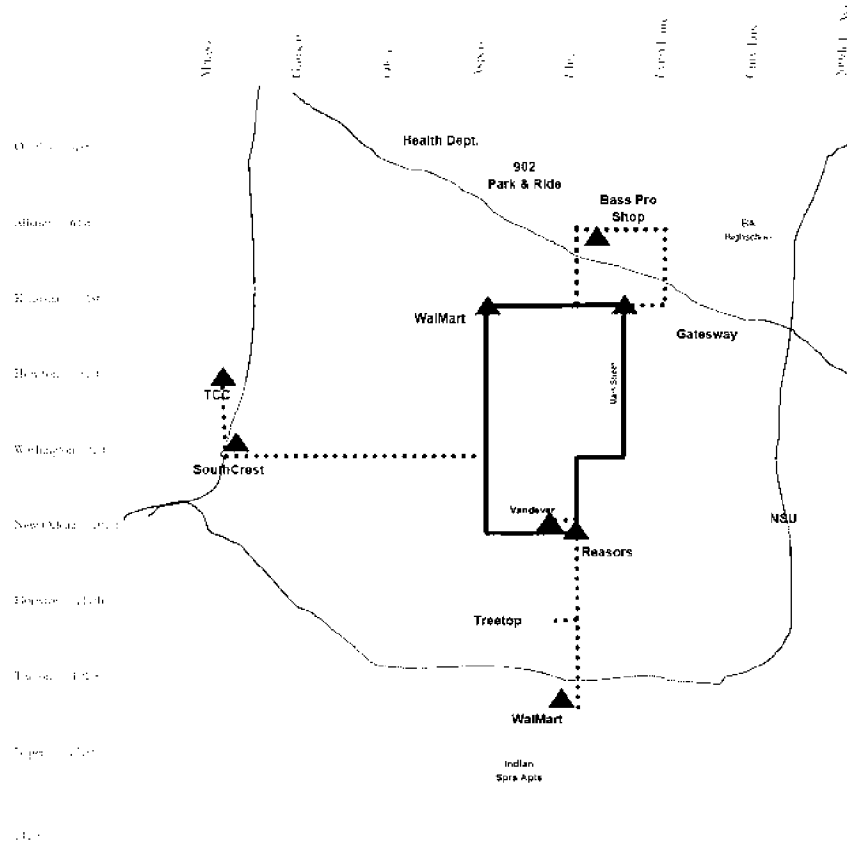


- **Service Hours: 5:55am - 6:20pm (M – F)**
- **2 Buses** (*Bus1 = 12 daily hours Bus2 = 8 daily hours*)
- **70% of riders are commuting to work.**
- **Fares:** \$ 1.25 Regular Fare (*10-Ride Pass = \$10*)
 - \$ 3.00 Day Pass
 - \$40.00 Monthly Pass
- **Seniors (age 62) = Half Fare**
- **Super Seniors (age 75) = FREE**

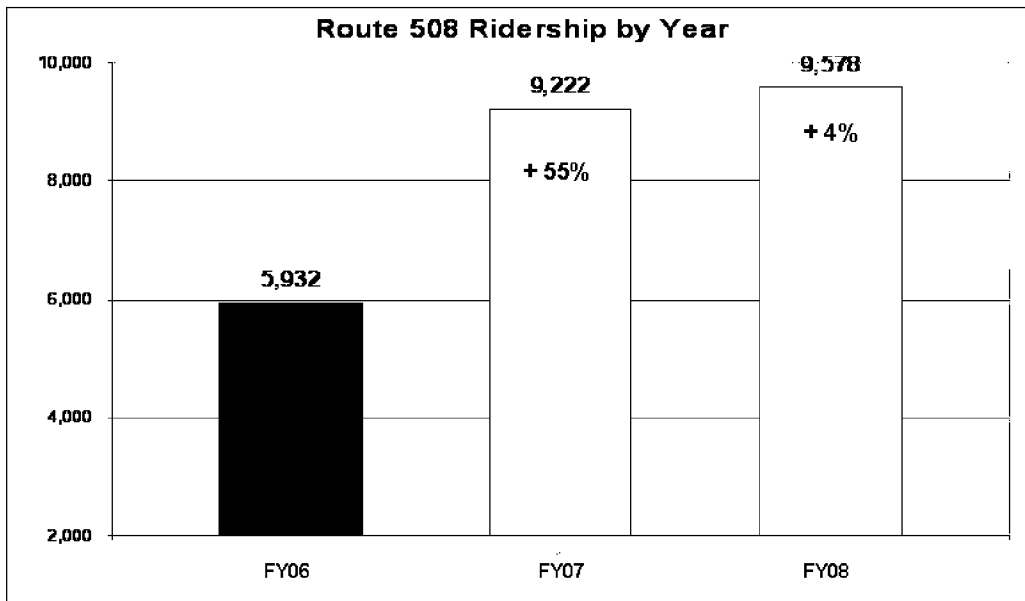




Current Route 508 Service map



Ridership By Year



How are we doing?

- We have realigned the service twice to better serve our passengers.
- Overall demand continues to be very strong.
- Complaints remain very low.
- On-route ridership is growing.
- Passenger Benches & Shelters have been installed.
- We have realigned the 902 Express Route to serve commuters in south Broken Arrow, and ridership on this route continues to grow.

We bought larger vehicles to handle the increased demand.



Challenges Ahead

- The service demand still exceeds our capacity.
- Still having to deny requests for scheduled trips.
- Connecting to Tulsa is difficult.



An all day express route connecting the MMS to the Bass Pro district could be a positive economic development project.

