

## BROKEN ARROW CITY COUNCIL MINUTES

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Monday, February 4, 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:** Pastor David Austin of Assembly at Broken Arrow delivered the Invocation.

3. **Roll Call**

<b>Present:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Absent:</b>	None

4. **Pledge of Allegiance to the Flag**

**Section Minutes:** Boy Scout Troop 995 was present. Scout Andrew Lee led the Pledge of Allegiance.

5. **Consideration of Consent Agenda**

**Section Minutes:** Mayor McCaleb asked if there were any items to be removed for discussion. There were no items removed from the Consent Agenda.

- A. Approval of the special minutes of January 28, 2008
- B. Acceptance of the minutes of a Planning Commission meeting held January 10, 2008
- C. Approval of nomination of Jeff Hewett to fill a vacancy on the Convention and Visitors' Bureau, which term will expire September of 2009
- D. Approval of appointment of Kim Piper to fill a vacancy on the Convention and Visitors' Bureau, for a term of two years expiring September 2010
- E. Approval of appointment of Richard (Jack) Keeling to the Broken Arrow Planning Commission to serve the remainder of the unexpired term of Renate Caldwell, whose term expires May 5, 2009
- F. Approval of request for water and sewer service for a job trailer at Aspen Pond located on Aspen Avenue (145th E. Avenue) between Washington Avenue (91st Street) and New Orleans Avenue (101st Street)
- G. Approval of and authorization to execute Budget Amendment No. 6 for Fiscal Year 2007-2008

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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: Boy Scout Troop 995 was present. Scout Andrew Lee led the Pledge of Allegiance.

5. Consideration of Consent Agenda

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D. Approval of appointment of Kim Piper to fill a vacancy on the Convention and Visitors' Bureau, for a term of two years expiring September 2010

E. Approval of appointment of Richard Jack) Keeling to the Broken Arrow Planning Commission to serve the remainder of the unexpired term of Renate Caldwell, whose term expires May 5, 2009

F. Approval of request for water and sewer service for a job trailer at Aspen Pond located on Aspen Avenue 145th E. Avenue) between Washington Avenue 91st Street) and New Orleans Avenue 101st Street)

G. Approval of and authorization to execute Budget Amendment No. 6 for Fiscal Year 2007-2008

- H. Approval of and authorization to execute a Mutual Aid Agreement between the Broken Arrow Fire Department Emergency Medical Service and Muskogee County Emergency Medical Service
- I. Approval of PT07-122, Conditional Final Plat of ATJ Industrial Park II, 7.52 acres, 1 lot, PT08-101, preliminary plat of Reserve at Bradford Park III, 26.12 acres, 45 lots, R-2, South of Jasper Street (131st Street), ½ mile east of 9th Street (Lynn Lane/177th E. Avenue)
- J. Approval of PT07-125, Conditional Final Plat of ROC 3, 3.26 acres, 1 lot, C-5, one-eighth mile north of Kenosha Street (71st Street), one-third mile west of 23rd Street (County Line Road/193rd East Avenue)
- K. Approval of PT07-126, Conditional Final Plat of Same Day Auto Repair, 0.52 acres, 1 lot, C-4, North of Kenosha Street (71st Street), one-quarter mile west of Elm Place (161st E. Avenue) at 912 W. Kenosha Street
- L. Approval of bids received and award the most advantageous bid to Fuel Managers, for gasoline and diesel fuel supply
- M. Acceptance of a Temporary Construction Easement from Armory LLC (S8 T18N R15E) (Project #ST0530)
- N. Acceptance of a Utility Easement from Broken Arrow Public School District #3 of Tulsa County (S2 T17N R14E) [Project: Ray Harrell Nature Center]
- O. Acceptance of a Utility Easement from Mary Ann Parks (S2 T17N R14E) [Project: 127th and 128th Street 6" waterline relocation]
- P. Acceptance a General Warranty Deed from Angus Acres Church Of Christ, Inc (S7 T18N R15E) (Project #ST0531)
- Q. Acceptance of a General Warranty Deed from Armory LLC (S8 T18N R15E) (Project #ST0530)
- R. Acceptance of a General Warranty Deed from Chester & Mary Lanning (S7 T18N R15E) (Project # ST0531)
- S. Acceptance of a General Warranty Deed from Perry & Leslie Neufeld (S7 T18N R15E) (Project #ST0531)
- T. Approval of the Claims List

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

**6. Consideration of Items Removed from Consent Agenda**

- A. None

H. Approval of and authorization to execute a Mutual Aid Agreement between the Broken Arrow Fire Department Emergency Medical Service and Muskogee County Emergency Medical Service

I. Approval of PT07-122, Conditional Final Plat of ATJ Industrial Park II, 7.52 acres, 1 lot, PT08-101, preliminary plat of Reserve at Bradford Park III, 26.12 acres, 45 lots, R-2, South of Jasper Street 131st Street), mile east of 9th Street Lynn Lane/177th E. Avenue)

J. Approval of PT07-125, Conditional Final Plat of ROC 3, 3.26 acres, 1 lot, C-5, one-eighth mile north of Kenosha Street 71st Street), one-third mile west of 23rd Street County Line Road/193rd East Avenue)

K. Approval of PT07-126, Conditional Final Plat of Same Day Auto Repair, 0.52 acres, 1 lot, C-4, North of Kenosha Street 71st Street), one-quarter mile west of Elm Place 161st E. Avenue) at 912 W. Kenosha Street

L. Approval of bids received and award the most advantageous bid to Fuel Managers, for gasoline and diesel fuel supply

M. Acceptance of a Temporary Construction Easement from Armory LLC S8 T18N R15E) Project #ST0530)

N. Acceptance of a Utility Easement from Broken Arrow Public School District #3 of Tulsa County S2 T17N R14E) Project: Ray Harrell Nature Center]

O. Acceptance of a Utility Easement from Mary Ann Parks S2 T17N R14E) Project: 127th and 128th Street 6" waterline relocation]

P. Acceptance a General Warranty Deed from Angus Acres Church Of Christ, Inc S7 T18N R15E) Project #ST0531)

Q. Acceptance of a General Warranty Deed from Armory LLC S8 T18N R15E) Project #ST0530)

R. Acceptance of a General Warranty Deed from Chester & Mary Lanning S7 T18N R15E) Project # ST0531)

S. Acceptance of a General Warranty Deed from Perry & Leslie Neufeld S7 T18N R15E) Project #ST0531)

T. Approval of the Claims List

Motion: Move to approve the Consent Agenda as presented.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

## 6. Consideration of Items Removed from Consent Agenda

A. None

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

- A. Presentation: Approval, authorization to execute, and presentation of Proclamations recognizing First Baptist Church Broken Arrow, Broken Arrow Assembly, Rhema Bible Church, The Church at Battle Creek, Arrow Heights Baptist Church, Immanuel Lutheran Church, First United Methodist Church, St. Benedicts Catholic Church, Clearview Baptist Church, and Cedar Ridge Christian Church for their contribution of labor and equipment during the City's debris pick-up from the December 2007 ice storm

**Item Minutes:** Mayor McCaleb read the Proclamation aloud and presented a Proclamation to the representative from each church.

<b>Motion:</b>	<b>Move for approval, authorization to execute and presentation of Proclamations to the designated churches for their contribution of labor and equipment during the City's debris pick-up from the December 2007 ice storm</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- B. Presentation: Approval, authorization to execute, and presentation of a Proclamation declaring February 12, 2008 Shriners's Hospital for Children "IHOP's National Pancake Day" in the City of Broken Arrow

**Item Minutes:** Mayor McCaleb presented this Item and said that Vice Mayor Lester would present the Proclamation to the organizers the following day.

<b>Motion:</b>	<b>Move for approval, authorization to execute, and presentation of a Proclamation declaring February 12, 2008 Shriners's Hospital for Children "IHOP's National Pancake Day" in the City of Broken Arrow</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- C. Presentation: 2007 Oklahoma Municipal League Service Awards

**Item Minutes:** Mr. Twombly said the Service Awards were given by the Oklahoma Municipal League to recognize City employees completing 25 or more years of service to the City of Broken Arrow. He read each employees name, and Mayor McCaleb presented each with their award. No action was required or taken.

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

**Section Minutes:** There were no citizen requests to address Council.

**9. General Council Business**

- A. Consideration and possible approval of PUD 186 and BAZ 1794, Laynee's Way, 9.40 acres, 1 lot, A-1 to C-5 and IS, one-quarter mile north of the Broken Arrow Expressway, west of 9th Street (Lynn Lane/177th East Avenue)

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

A. Presentation: Approval, authorization to execute, and presentation of Proclamations recognizing First Baptist Church Broken Arrow, Broken Arrow Assembly, Rhema Bible Church, The Church at Battle Creek, Arrow Heights Baptist Church, Immanuel Lutheran Church, First United Methodist Church, St. Benedicts Catholic Church, Clearview Baptist Church, and Cedar Ridge Christian Church for their contribution of labor and equipment during the City's debris pick-up from the December 2007 ice storm

Item Minutes: Mayor McCaleb read the Proclamation aloud and presented a Proclamation to the representative from each church.

Motion: Move for approval, authorization to execute and presentation of Proclamations to the designated churches for their contribution of labor and equipment during the City's debris pick-up from the December 2007 ice storm

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

B. Presentation: Approval, authorization to execute, and presentation of a Proclamation declaring February 12, 2008 Shriners' Hospital for Children IHOP's National Pancake Day" in the City of Broken Arrow

Item Minutes: Mayor McCaleb presented this Item and said that Vice Mayor Lester would present the Proclamation to the organizers the following day.

Motion: Move for approval, authorization to execute, and presentation of a Proclamation declaring February 12, 2008 Shriners' Hospital for Children IHOP's National Pancake Day" in 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

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

Section Minutes: There were no citizen requests to address Council.

9. General Council Business

A. Consideration and possible approval of PUD 186 and BAZ 1794, Laynee's Way, 9.40 acres, 1 lot, A-1 to C-5 and IS, one-quarter mile north of the Broken Arrow Expressway, west of 9th Street Lynn Lane/177th East Avenue)

**Item Minutes:** Mr. Farhad Daroga, City Planner, presented this Item and provided background as presented in the Fact Sheet prepared for Council and distributed in the agenda packets.

<b>Motion:</b>	<b>Move to approve PUD 186 and BAZ 1794, Laynee's Way, 9.40 acres, 1 lot, A-1 to C-5 and IS, one-quarter mile north of the Broken Arrow Expressway, west of 9th Street (Lynn Lane/177th East Avenue)</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- B. Consideration, possible approval of and authorization to execute Resolution No. 503 - a Resolution of Necessity to condemn property located at 17615 East 101st Street, Broken Arrow, Tulsa County, Oklahoma

**Item Minutes:** Ms. Beth Anne Wilkening, City Attorney, presented this Item. She said this was the final Resolution of Necessity required for right-of-way acquisition for the 101<sup>st</sup> Street project and recommended approval.

<b>Motion:</b>	<b>Move to approve and authorization to execute Resolution No. 503</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- C. Consideration, possible approval of and authorization to execute Resolution No. 504 - a Resolution of Necessity to condemn property located at 301 East New Orleans Street, Broken Arrow, Tulsa County, Oklahoma

**Item Minutes:** Ms. Wilkening presented this Item and said the acquisition of this property was necessary for a drainage easement.

<b>Motion:</b>	<b>Move to approve and authorization to execute Resolution No. 504</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- D. Consideration, possible approval of and authorization to execute Resolution No. 505 - a resolution changing the dates of the Broken Arrow City Council Meetings from the first and third Monday of each month to the first and third Tuesdays of each month, amending the Planning calendar and providing for notice thereof

**Item Minutes:** Mr. Twombly said this proposal came about in response to Council's request for additional time to study agenda materials prior to meetings. Mr. Twombly explained that the move to Tuesday night would begin with the first meeting in March, specifically on March 4, 2008. Councilman Thurmond mentioned that many holidays fall on Monday and the move would avoid that conflict. Mayor McCaleb and Vice Mayor Lester agreed that Monday was usually a hectic day at work and for families getting a new week underway.



Item Minutes: Mr. Farhad Daroga, City Planner, presented this Item and provided background as presented in the Fact Sheet prepared for Council and distributed in the agenda packets.

Motion: Move to approve PUD 186 and BAZ 1794, Laynee's Way, 9.40 acres, 1 lot, A-1 to C-5 and IS, one-quarter mile north of the Broken Arrow Expressway, west of 9th Street Lynn Lane/177th East Avenue)

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. 503 a Resolution of Necessity to condemn property located at 17615 East 101st Street, Broken Arrow, Tulsa County, Oklahoma

Item Minutes: Ms. Beth Anne Wilkening, City Attorney, presented this Item. She said this was the final Resolution of Necessity required for right-of-way acquisition for the 101

st

Street

project and recommended approval.

Motion: Move to approve and authorization to execute Resolution No. 503

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

C. Consideration, possible approval of and authorization to execute Resolution No. 504 a Resolution of Necessity to condemn property located at 301 East New Orleans Street, Broken Arrow, Tulsa County, Oklahoma

Item Minutes: Ms. Wilkening presented this Item and said the acquisition of this property was necessary for a drainage easement.

Motion: Move to approve and authorization to execute Resolution No. 504

Motion by: Craig Thurmond

Second by: Mike Lester

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

Nays: None

D. Consideration, possible approval of and authorization to execute Resolution No. 505 a resolution changing the dates of the Broken Arrow City Council Meetings from the first and third Monday of each month to the first and third Tuesdays of each month, amending the Planning calendar and providing for notice thereof

Item Minutes: Mr. Twombly said this proposal came about in response to Council's request

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<b>Motion:</b>	<b>Move to approve and authorization to execute Resolution No. 505</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- E. Consideration, possible approval of and authorization to execute Resolution No. 507 - a resolution requesting the Oklahoma Turnpike Authority to perform a feasibility study, cost estimate and analysis for the design and construction of an on and off ramp interchange at Aspen Avenue and the Creek Turnpike in Broken Arrow

**Item Minutes:** This Item was presented by Mr. Twombly. He said he attended a meeting recently during which the need for an interchange at Aspen Avenue and the Creek Turnpike was discussed. He added that large tracts of undeveloped land with future potential were located in the area, a number of new subdivisions had been built, and citizens frequently call the City to express interest in having access to Aspen from the Creek Turnpike. Mr. Twombly said that Resolution No. 507 would be an important first step in the process and, if approved, it would be presented at the next Turnpike Authority meeting. He said the Turnpike Authority would conduct the study, and there would be no expense to the City at this stage.

<b>Motion:</b>	<b>Move to approve and authorization to execute Resolution No. 507</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- F. Consideration and possible approval of nominations to fill a vacancy on the Board of Adjustment created by the resignation of Richard (Jack) Keeling, whose term expires May 5, 2009

**Item Minutes:** Mayor McCaleb said the person he was going to recommend was unable to commit and asked that Item 9F be tabled until the February 18th meeting.

<b>Motion:</b>	<b>Move to table Item 9F until the February 18, 2008 Council meeting</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- G. Consideration, possible approval of and authorization to execute an Agreement between the City of Broken Arrow and Auburndale-Halifax Broken Arrow, LLC and Broken Arrow Improvement Company, for the construction of public infrastructure within a 65-acre site located east of 9th Street (Lynn Lane) along Hillside Drive at The Shops At Broken Arrow

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Motion: Move to approve and authorization to execute Resolution No. 505

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

E. Consideration, possible approval of and authorization to execute Resolution No. 507 a resolution requesting the Oklahoma Turnpike Authority to perform a feasibility study, cost estimate and analysis for the design and construction of an on and off ramp interchange at Aspen Avenue and the Creek Turnpike in Broken Arrow

Item Minutes: This Item was presented by Mr. Twombly. He said he attended a meeting recently during which the need for an interchange at Aspen Avenue and the Creek Turnpike was discussed. He added that large tracts of undeveloped land with future potential were located in the area, a number of new subdivisions had been built, and citizens frequently call the City to express interest in having access to Aspen from the Creek Turnpike. Mr. Twombly said that Resolution No. 507 would be an important first step in the process and, if approved, it would be presented at the next Turnpike Authority meeting. He said the Turnpike Authority would conduct the study, and there would be no expense to the City at this stage.

Motion: Move to approve and authorization to execute Resolution No. 507

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 approval of nominations to fill a vacancy on the Board of Adjustment created by the resignation of Richard Jack) Keeling, whose term expires May 5, 2009

Item Minutes: Mayor McCaleb said the person he was going to recommend was unable to commit and asked that Item 9F be tabled until the February 18th meeting.

Motion: Move to table Item 9F until the February 18, 2008 Council meeting

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

G. Consideration, possible approval of and authorization to execute an Agreement between the

City of Broken Arrow and Auburndale-Halifax Broken Arrow, LLC and Broken Arrow Improvement Company, for the construction of public infrastructure within a 65-acre site located east of 9th Street Lynn Lane) along Hillside Drive at The Shops At Broken Arrow

**Item Minutes:** Mayor McCaleb said this Item was pulled at the request of the applicant. No action required or taken.

- H. Consideration, possible approval of and authorization to execute an Excess Sewer Capacity Improvement Agreement between the City and Model Properties Incorporated, for an excess sanitary sewer improvement to an 80-acre site located between Aspen Avenue (145th E. Avenue) and Olive Street (129th E. Avenue) south of Tucson Street (121st Street)

**Item Minutes:** Mr. Michael Skates, Director, Development Services, presented this Item. Ms. Wilkening mentioned Council would be approving the corrected Agreement.

<b>Motion:</b>	<b>Move to approve and authorization to execute an Excess Sewer Capacity Improvement Agreement between the City and Model Properties Incorporated, for an excess sanitary sewer improvement to an 80-acre site located between Aspen Avenue (145th E. Avenue) and Olive Street (129th E. Avenue) south of Tucson Street (121st Street)</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- I. Consideration, possible approval of, and authorization to execute the Vision 2025 Amendment to Capital Improvements Agreements

**Item Minutes:** Mr. Skates presented this Item and gave a background as presented in the Fact Sheet distributed to Council via the Agenda packet.

<b>Motion:</b>	<b>Move to approve and authorization to execute the Vision 2025 Amendment to Capital Improvements Agreements</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**10. City Manager’s Report**

**A. Health Fair Screening Results**

**Item Minutes:** Mr. Twombly said the City’s Health Fair was a success with 321 employees participating. He said that about 300 of those employees participated in all or most of the Metabolic Health screening that was offered by Blue Cross. Mr. Twombly added that St. John Healthy Lifestyles representative, Kimberli Gray, met with him the past week to present a summary of the metabolic screening results, and those results were presented in an aggregate report to protect the privacy of City employees. Mr. Twombly said the City’s goal was to use the summary to guide City efforts in further developing its wellness programs during 2008, and the City would continue working with St. John Hospital to develop and implement new programs. Mayor McCaleb asked Russell Gale, Human Resources Director, if his department had personnel to review additional health programs. Mr. Russell said the Human Resources Department had a personnel and benefits manager, Janette McCormick, who was looking at additional program development for employees.

There was no action taken or required.

February 4, 2008

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Item Minutes: Mayor McCaleb said this Item was pulled at the request of the applicant. No action required or taken.

H. Consideration, possible approval of and authorization to execute an Excess Sewer Capacity Improvement Agreement between the City and Model Properties Incorporated, for an excess sanitary sewer improvement to an 80-acre site located between Aspen Avenue 145th E. Avenue) and Olive Street 129th E. Avenue) south of Tucson Street 121st Street)

Item Minutes: Mr. Michael Skates, Director, Development Services, presented this Item. Ms. Wilkening mentioned Council would be approving the corrected Agreement.

Motion: Move to approve and authorization to execute an Excess Sewer Capacity Improvement Agreement between the City and Model Properties

Incorporated, for an excess sanitary sewer improvement to an 80-acre site located between Aspen Avenue 145th E. Avenue) and Olive Street 129th E. Avenue) south of Tucson Street 121st Street)

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

I. Consideration, possible approval of, and authorization to execute the Vision 2025 Amendment to Capital Improvements Agreements

Item Minutes: Mr. Skates presented this Item and gave a background as presented in the Fact Sheet distributed to Council via the Agenda packet.

Motion: Move to approve and authorization to execute the Vision 2025 Amendment to Capital Improvements Agreements

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. Health Fair Screening Results

Item Minutes: Mr. Twombly said the City's Health Fair was a success with 321 employees participating. He said that about 300 of those employees participated in all or most of the Metabolic Health screening that was offered by Blue Cross. Mr. Twombly added that St. John Healthy Lifestyles representative, Kimberli Gray, met with him the past week to present a summary of the metabolic screening results, and those results were presented in an aggregate report to protect the privacy of City employees. Mr. Twombly said the City's goal was to use the summary to guide City efforts in further developing its wellness programs during 2008, and the City would continue working with St. John Hospital to develop and implement new programs. Mayor McCaleb asked Russell Gale, Human Resources Director, if his department had personnel to review additional health

programs. Mr. Russell said the Human Resources Department had a personnel and benefits manager, Janette McCormick, who was looking at additional program development for employees.

There was no action taken or required.



**11. Preview Ordinances**

There were no items to consider. No action was taken or required.

**12. Ordinances**

- A. Ordinance No. 2950 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1721, granting PUD 171 and an R-2S zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. Ordinance No. 2951 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1749, granting PUD 174 and an C-5 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. Ordinance No. 2952 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD 44G and PUD 44H zoning classifications to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. Ordinance No. 2953 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1638 and PUD 153 granting R-3 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. Ordinance No. 2954 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD 142 zoning classifications to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F. Ordinance No. 2955 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1721, granting PUD 171B and an R-2S zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G. Ordinance No. 2956 - an ordinance amending the Broken Arrow Code, Section 2-511 establishing the Planning Commission; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- H. Ordinance No. 2957 - an ordinance amending the Broken Arrow Code, Article XIV, Sections 2-211 and 2-212, Broken Arrow Convention and Visitors' Bureau; Repealing all ordinances to the contrary; and declaring an emergency

**Section Minutes:** Ms. Wilkening presented the Ordinances and recommended approval.

<b>Motion:</b>	<b>Move to approve Ordinance Nos. 2950 through 2957.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

## 11. Preview Ordinances

There were no items to consider. No action was taken or required.

## 12. Ordinances

A. Ordinance No. 2950 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1721, granting PUD 171 and an R-2S zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. Ordinance No. 2951 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1749, granting PUD 174 and an C-5 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

C. Ordinance No. 2952 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD 44G and PUD 44H zoning classifications to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

D. Ordinance No. 2953 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1638 and PUD 153 granting R-3 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

E. Ordinance No. 2954 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD 142 zoning classifications to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

F. Ordinance No. 2955 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1721, granting PUD 171B and an R-2S zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

G. Ordinance No. 2956 an ordinance amending the Broken Arrow Code, Section 2-511 establishing the Planning Commission; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

H. Ordinance No. 2957 an ordinance amending the Broken Arrow Code, Article XIV, Sections 2-211 and 2-212, Broken Arrow Convention and Visitors' Bureau; Repealing all ordinances to the contrary; and declaring an emergency

Section Minutes: Ms. Wilkening presented the Ordinances and recommended approval.

Motion: Move to approve Ordinance Nos. 2950 through 2957.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

<b>Motion:</b>	<b>Move to approve the emergency clause of Ordinance Nos. 2950 through 2957.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**13. Remarks and Inquiries by Governing Body Members**

**Section Minutes:** Mayor McCaleb said he had two items. He commented that he was taking the Youth City Council to Oklahoma City to visit the Capitol on February 12, 2008. Mayor McCaleb added that on February 11, 2008, the Youth City Council meeting would present a Special Program, "Living Legends: Early Business Leaders". He said everyone was invited to attend.

There being no other remarks or inquiries, Mayor McCaleb asked for a motion to enter into BAMA.

<b>Motion:</b>	<b>Move to recess the Council meeting to enter into BAMA at 7:18 p.m.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**Section Minutes:** Mayor McCaleb reconvened the regular session at the noted time of 7:19 PM.

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

**Section Minutes:** The Mayor reconvened the regular session at the noted time of 7:30 PM.

<b>Motion:</b>	<b>Move to enter into Executive Session.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	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 approximately 80 acres of real property located north of Kenosha between North 27th Street and North 31st Street under 25 O.S §307(B)(3); and Greg Neely v. City of Broken Arrow; 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.

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Motion: Move to approve the emergency clause of Ordinance Nos. 2950 through 2957.

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 said he had two items. He commented that he was taking the Youth City Council to Oklahoma City to visit the Capitol on February 12, 2008. Mayor McCaleb added that on February 11, 2008, the Youth City Council meeting would present a Special Program, Living Legends: Early Business Leaders". He said everyone was invited to attend. There being no other remarks or inquiries, Mayor McCaleb asked for a motion to enter into BAMA.

Motion: Move to recess the Council meeting to enter into BAMA at 7:18 p.m.

Motion by: Craig Thurmond

Second by: Philip Tucker

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

Nays: None

Section Minutes: Mayor McCaleb reconvened the regular session at the noted time of 7:19 PM.

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

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 7:30 PM.

Motion: Move to enter into Executive Session.

Motion by: Mike Lester

Second by: Philip Tucker

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 approximately 80 acres of real property located north of Kenosha between North 27th Street and North 31st Street under 25 O.S 307(B)(3); and Greg Neely v. City of Broken Arrow; 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 8:25 PM.

<b>Motion:</b>	<b>Move to proceed as directed in Greg Neely v. City of Broken Arrow</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

No further action was taken or required.

**15. Adjournment**

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

**Section Minutes:** The meeting was adjourned at the noted time of 8:26 PM.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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February 4, 2008

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:25 PM.

Motion: Move to proceed as directed in Greg Neely v. 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 or required.

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

Section Minutes: The meeting was adjourned at the noted time of 8:26 PM.

Mayor

City Clerk