

**BROKEN ARROW CITY COUNCIL MINUTES**  
**January 7, 2008**

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Monday, January 7, 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 Terry Dashner of Faith Fellowship Church delivered the Invocation.

**3. Roll Call**

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

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

**Section Minutes:** Councilman Carter led the Pledge of Allegiance.

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Mcaleb asked if any Items needed to be removed from the Consent Agenda for discussion. There were no requests to remove items.

- A. Approval of the regular meeting minutes of December 17, 2007
- B. Approval of the special meeting minutes of December 18, 2007
- C. Acceptance of minutes of a Planning Commission meeting held December 6, 2007
- D. Approval of rejection of bids for Elm Place Widening (Houston to Kenosha) and specifically find that the interests of the citizens of Broken Arrow are served by rejection
- E. Approval of bids received and award of the most advantageous to Midwest Vehicle Professionals, for a new modular ambulance for Station No. 6
- F. 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>	Richard Carter
<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**

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

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

- A. Presentation: Approval, authorization to execute, and presentation of a Proclamation commending Arrow Heights Baptist Church for providing invaluable service to the City of Broken Arrow by serving as a Red Cross Disaster Center during the December 2007 ice storm

**Section Minutes:** City Manager, Jim Twombly, presented this Item. Mr. Twombly said that Arrow Heights Baptist Church is a Red Cross designated disaster center. He added that the Proclamation recognized the efforts of Arrow Heights Baptist Church during the recent ice storm and power outage, and that the attached Staff report provided information regarding the number of persons housed overnight, number of meals served on-site, and the number of meals transported to shelters in other areas. Mr. Twombly said that the Church continues to provide housing and meals for out of state chainsaw crews that are in Broken Arrow to assist citizens with the clean-up. He said Arrow Heights Baptist Church has an ongoing commitment to assist the community which it demonstrates by its making its facilities available as a designated disaster center.

Mayor McCaleb commended Arrow Heights Baptist Church for it's' efforts and added that the latest information indicated that the number of meals served now total nearly 9,000. He asked for a motion to approve the Proclamation.

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2. Invocation

Section Minutes: Pastor Terry Dashner of Faith Fellowship Church delivered the Invocation.

3. Roll Call

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

Absent: None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilman Carter led the Pledge of Allegiance.

5. Consideration of Consent Agenda

Section Minutes: Mayor Mcaleb asked if any Items needed to be removed from the Consent Agenda for discussion. There were no requests to remove items.

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D. Approval of rejection of bids for Elm Place Widening (Houston to Kenosha) and specifically find that the interests of the citizens of Broken Arrow are served by rejection

E. Approval of bids received and award of the most advantageous to Midwest Vehicle Professionals, for a new modular ambulance for Station No. 6

F. Approval of the Claims List

Motion: Move to approve the Consent Agenda as presented.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

6. Consideration of Items Removed from Consent Agenda

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

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

A. Presentation: Approval, authorization to execute, and presentation of a Proclamation commending Arrow Heights Baptist Church for providing invaluable service to the City of Broken Arrow by serving as a Red Cross Disaster Center during the December 2007 ice storm  
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Mayor McCaleb commended Arrow Heights Baptist Church for it's' efforts and added that the latest information indicated that the number of meals served now total nearly 9,000. He asked for a motion to approve the Proclamation.

<b>Motion:</b>	<b>Move to approve, execute and to authorize presentation of the Proclamation.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

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

**Section Minutes:** Mayor McCaleb said it was not 7:00 p.m. yet so Council would consider Item 9, General Council Business.

At 7:00, Mayor McCaleb asked if any citizens were present who would like to address Council. There were no citizen present wishing to speak.

**9. General Council Business**

- A. Consideration of nominations to the Broken Arrow Planning Commission, to serve the remainder of the unexpired term created by the resignation of Renate Caldwell, whose term expires May 1, 2009

**Item Minutes:** Vice Mayor Lester asked that this Item be deferred until the January 22, 2008 meeting. He said he expected to know if his nominee wanted to commit to serve by that time.

<b>Motion:</b>	<b>Move to defer until the January 22, 2008 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

- B. Consideration and possible approval of nomination of Betty Gerber to the Convention and Visitors' Bureau, to fill a new position created by Ordinance No. 2921, which term will expire September 2010

**Item Minutes:** Mayor McCaleb said that Councilman Tucker would present his nomination for the Convention and Visitors' Bureau. Councilman Tucker said he would nominate Betty Gerber to serve on the Convention and Visitors' Bureau and made a motion to approve.

<b>Motion:</b>	<b>Move to approve the nomination of Betty Gerber to fill the vacancy on the Convention and Visitors' Bureau.</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Mike Lester
<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 an Access Agreement between the City of Broken Arrow and Northeastern State University (NSU), allowing the City to have yard debris, which resulted from the December 2007 ice storm, hauled to a site on the NSU campus and allow the controlled burning of the debris at this site

**Item Minutes:** This Item was presented by City Manager, Jim Twombly, who explained that this Agreement with Northeastern State University in Broken Arrow (NSU) would allow the City to haul debris from the drop-off sites to NSU where a control burn would take place. He said the Agreement allowed City trucks to traverse NSU property to reach the designated area where the debris would be stored until enough accumulated to burn. Councilman Carter asked if the process of hauling it to NSU had started. He said he was concerned that the task would be overwhelming if hauling to NSU was not yet underway. Mr. Wooden said that NSU had authorized access to the City to start hauling to the burn site prior to signing of the Agreement.

Mr. Twombly pointed out an attachment to this Item consisting of an updated expense report showing ice storm related costs through December 26, 2008. Vice Mayor Lester noted that Tulsa had an outside contractor monitoring City crews removing debris as required by FEMA. He asked if Broken Arrow had to meet the same requirement. Mr. Wooden said that Tulsa was having storm debris picked-up on the streets by an outside contractor which required that inspectors follow the trucks to determine how much was loaded on each truck. He explained that Broken Arrow was bidding contracts by lump sum and, in fact, staff was bidding 3 contracts on the next day, January 8th, for the debris collected at Nienhuis, Indian Springs South, and Arrowhead.

Mr. Wooden explained that contractors bidding on the three sites would go to each location where the cubic yards of brush would be calculated, and then each contractor would offer a lump sum price for moving that entire amount. Mr. Wooden said that FEMA did not require inspectors when pricing was based on lump sum and not by cubic yard, and also that the City was under the FEMA pilot program which allowed seeking reimbursement for costs for city

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Motion: Move to approve, execute and to authorize presentation of the Proclamation.

Motion by: Richard Carter

Second by: Craig Thurmond

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

Nays: None

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

Section Minutes: Mayor McCaleb said it was not 7:00 p.m. yet so Council would consider Item 9, General Council Business.

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There were no citizen present wishing to speak.

9. General Council Business

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Item Minutes: Vice Mayor Lester asked that this Item be deferred until the January 22, 2008 meeting. He said he expected to know if his nominee wanted to commit to serve by that time.

Motion: Move to defer until the January 22, 2008 meeting.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

B. Consideration and possible approval of nomination of Betty Gerber to the Convention and Visitors' Bureau, to fill a new position created by Ordinance No. 2921, which term will expire September 2010

Item Minutes: Mayor McCaleb said that Councilman Tucker would present his nomination for the Convention and Visitors' Bureau. Councilman Tucker said he would nominate Betty Gerber to serve on the Convention and Visitors' Bureau and made a motion to approve.

Motion: Move to approve the nomination of Betty Gerber to fill the vacancy on the Convention and Visitors' Bureau.

Motion by: Philip Tucker

Second by: Mike Lester

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

Nays: None

C. Consideration, possible approval of and authorization to execute an Access Agreement between the City of Broken Arrow and Northeastern State University NSU), allowing the City to have yard debris, which resulted from the December 2007 ice storm, hauled to a site on the NSU

campus and allow the controlled burning of the debris at this site

Item Minutes: This Item was presented by City Manager, Jim Twombly, who explained that this Agreement with Northeastern State University in Broken Arrow NSU) would allow the City to haul debris from the drop-off sites to NSU where a control burn would take place. He said the Agreement allowed City trucks to traverse NSU property to reach the designated area where the debris would be stored until enough accumulated to burn. Councilman Carter asked if the process of hauling it to NSU had started. He said he was concerned that the task would be overwhelming if hauling to NSU was not yet underway. Mr. Wooden said that NSU had authorized access to the City to start hauling to the burn site prior to signing of the Agreement. Mr. Twombly pointed out an attachment to this Item consisting of an updated expense report showing ice storm related costs through December 26, 2008. Vice Mayor Lester noted that Tulsa had an outside contractor monitoring City crews removing debris as required by FEMA. He asked if Broken Arrow had to meet the same requirement. Mr. Wooden said that Tulsa was having storm debris picked-up on the streets by an outside contractor which required that inspectors follow the trucks to determine how much was loaded on each truck. He explained that Broken Arrow was bidding contracts by lump sum and, in fact, staff was bidding 3 contracts on the next day, January 8th, for the debris collected at Nienhuis, Indian Springs South, and Arrowhead.

Mr. Wooden explained that contractors bidding on the three sites would go to each location where the cubic yards of brush would be calculated, and then each contractor would offer a lump sum price for moving that entire amount. Mr. Wooden said that FEMA did not require inspectors when pricing was based on lump sum and not by cubic yard, and also that the City was under the FEMA pilot program which allowed seeking reimbursement for costs for city

personnel. He said the plan was for Broken Arrow to use its own personnel to pick-up brush in the subdivisions and move it to the designated collection sites. He said that other contractors would move debris from the collection sites to the burn pits at NSU.

Vice Mayor Lester asked for an estimate of how much debris might be involved. Mr. Wooden responded that his estimate was at least 350,000 cubic yards but he would know more after the bidding process was under way and that a weekly update on costs would continue. Councilman Tucker asked how long debris collection sites would be open for citizens. Mr. Wooden said that sites remain open until the end of April but after that date only the three main sites at Indian Springs South, Central Park and Nienhuis would be open until summer. He said he would make every effort to keep Nienhuis open for debris collection until July when the site would have to close due to the start of football season.

<b>Motion:</b>	<b>Move to approve the Access Agreement and authorize execution.</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

- D. Consideration, possible approval of and authorization for the Council to adopt the Ice Storm 2007 Debris Burn Permit, authorizing a special no-cost burn permit, subject to established criteria, to burn only tree and limb debris that resulted from the December 2007 ice storm

**Item Minutes:** Mr. Wooden said this Item was a request for authorization of a temporary burn permit for issue during the period of the ice storm emergency. He explained that the permit meets all safety guidelines set by the Oklahoma Department of Environmental Quality (ODEQ). He added that the permit was also reviewed by the Tulsa County Health Department which set out three requests as follows:

1. All fires must be least 500 feet away from any inhabited structures;
2. Hours of burning be limited; and,
3. All ODEQ requirements must be met.

Mr. Wooden said that since burning would be allowed on one acre sites, it would be impossible to locate a burn 500 feet away from an inhabited structure. Instead, it was agreed that, if any complaints were received, a fire would be put out immediately. He added that the 500 foot requirement is actually for commercial burning operations and not normally applied to burning on private property. Mr. Wooden said that, as requested, the hours for burning were limited and all ODEQ requirements were met. He stated that the Fire Marshal informed him that Oklahoma City had a very similar permit in place, and Mr. Wooden added that the Broken Arrow Ice Storm 2007 Debris Burn Permit was essentially the same as that in Oklahoma City.

Mayor McCaleb said that April 1, 2008 was the deadline for "no fee permits" but he believed that additional time might be required because the timber was green and windy weather could delay burning. Mr. Wooden said that a time extension could be considered later if Council requested. He added that concerns would arise as the summer months approached due to air quality issues. Vice Mayor Lester asked if staff from the Fire Marshal's office had to inspect burn locations. Mr. Wooden said they did not because it would be impossible to inspect every location as there were too many. He said there were very specific guidelines for burning, and the City would trust its citizens to abide by those requirements.

<b>Motion:</b>	<b>Move to approve the Ice Storm 2007 Debris Burn Permit.</b>
<b>Motion by:</b>	Richard Carter
<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. 497 - a Resolution of Necessity to Condemn Property located at 504 East New Orleans Street, Broken Arrow, Tulsa County, Oklahoma (New Orleans Street from Elm to 9th Project)

**Item Minutes:** City Attorney, Beth Anne Wilkening, presented Item 9E. Ms. Wilkening explained that it was necessary to initiate condemnation proceedings on the described property because negotiations with Mr. and Mrs. Parrot did not reach an agreed upon purchase price. She said the property was a strip located at 504 East New Orleans Street and it appraised at \$3,900.00 which was the amount offered. She said the Parrots counter offered \$38,648.00. Ms. Wilkening stated that the property was necessary for the 101st Street (East New Orleans Street) widening project. She said she was concerned about acquisition costs which were so high that staff had contacted a design engineer to re-examine project plans. She said the purpose was to determine if the acquisition area could be reduced. Ms. Wilkening said the condemnation for the strip at 504 East New Orleans Street as well as four other condemnations previously approved, would probably sit idle for 30 days or so. This delay would allow staff time to determine if less

personnel. He said the plan was for Broken Arrow to use its own personnel to pick-up brush in the subdivisions and move it to the designated collection sites. He said that other contractors would move debris from the collection sites to the burn pits at NSU.

Vice Mayor Lester asked for an estimate of how much debris might be involved. Mr. Wooden responded that his estimate was at least 350,000 cubic yards but he would know more after the bidding process was under way and that a weekly update on costs would continue. Councilman Tucker asked how long debris collection sites would be open for citizens. Mr. Wooden said that sites remain open until the end of April but after that date only the three main sites at Indian Springs South, Central Park and Nienhuis would be open until summer. He said he would make every effort to keep Nienhuis open for debris collection until July when the site would have to close due to the start of football season.

Motion: Move to approve the Access Agreement and authorize execution.

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 for the Council to adopt the Ice Storm 2007 Debris Burn Permit, authorizing a special no-cost burn permit, subject to established criteria, to burn only tree and limb debris that resulted from the December 2007 ice storm

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burn locations. Mr. Wooden said they did not because it would be impossible to inspect every location as there were too many. He said there were very specific guidelines for burning, and the City would trust its citizens to abide by those requirements.

Motion: Move to approve the Ice Storm 2007 Debris Burn Permit.

Motion by: Richard Carter

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. 497 a Resolution of Necessity to Condemn Property located at 504 East New Orleans Street, Broken Arrow, Tulsa County, Oklahoma New Orleans Street from Elm to 9th Project)

Item Minutes: City Attorney, Beth Anne Wilkening, presented Item 9E. Ms. Wilkening explained that it was necessary to initiate condemnation proceedings on the described property because negotiations with Mr. and Mrs. Parrot did not reach an agreed upon purchase price. She said the property was a strip located at 504 East New Orleans Street and it appraised at \$3,900.00 which was the amount offered. She said the Parrots counter offered \$38,648.00. Ms. Wilkening stated that the property was necessary for the 101st Street East New Orleans Street) widening project. She said she was concerned about acquisition costs which were so high that staff had contacted a design engineer to re-examine project plans. She said the purpose was to determine if the acquisition area could be reduced. Ms. Wilkening said the condemnation for the strip at 504 East New Orleans Street as well as four other condemnations previously approved, would probably sit idle for 30 days or so. This delay would allow staff time to determine if less

land could be acquired. She said the matter came before Council tonight because it was important to have approval in hand to be ready to proceed with the condemnations as necessary.

<b>Motion:</b>	<b>Move to approve Resolution No. 497 to Condemn property owned by Jack and Patsy Parrott.</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

- F. Consideration, possible approval of and authorization to execute Resolution No. 498 - a resolution authorizing the City Attorney to agree to Entry of Judgment in the case of The City of Broken Arrow, Oklahoma v. Jim Skinner and Diana G. Skinner, et al., Wagoner County District Court Case Number CJ-2007-1287 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

**Item Minutes:** Ms. Wilkening presented Item 9F. She said that Mr. Skinner contacted her after she filed the condemnation and they had a number of questions. Ms. Wilkening said that Assistant City Attorney, Hayden Downie, and Tom Hendrix from Engineering, met with Mr. Skinner, answered all his questions, and, as a result, the City was able to settle the case for the sum of \$3,200.00.

<b>Motion:</b>	<b>Move to approve Resolution No. 498.</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 Resolution No. 499 - a resolution extending the provisions of Resolution 496 which declared an emergency due to a significant winter storm and extensive power outages, ratification of activation of the City's Emergency Operations Center and emergency protocols, authorization to purchase materials and supplies and to enter into equipment leases and other necessary agreements, authorization to waive the provisions of Section 2-25 and 2-26 of the Broken Arrow Code and to enter into contracts for labor and services, authorization for debris removal, and directing the City Manager to carry out all applicable provisions

**Item Minutes:** Jim Twombly presented this Item and said that this Resolution was very similar to the Resolution approved at the City Council Storm Emergency Meeting on December 12, 2007. Mr. Twombly said that the request for consideration tonight was to authorize extension of emergency powers to January 31, 2008, for the purpose of continuing the City's response to the emergency created by and the clean up efforts required by the December 2007 Ice Storm.

<b>Motion:</b>	<b>Move to approve extending the Ice Storm 2007 Emergency to January 31, 2008 via Resolution 499.</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

- H. Consideration, possible approval of and authorization to execute Resolution No. 500 - a resolution of the City Council of the City of Broken Arrow finding that blighted areas exist within the corporate boundaries; finding that the rehabilitation, conservation, redevelopment, or a combination thereof of such areas is necessary and in the interest of the public health, safety morals and welfare of the residents of such areas; determining that the exercise of the powers granted by the Oklahoma Urban Renewal Redevelopment Law, 11 O.S. 2001 §§ 38-101 - 38-123, is in the public interest

**Item Minutes:** Michael Skates, Director of Development Services, presented Item 9H. Mr. Skates said that Resolution 500 focused on a large study area on the east side of Broken Arrow and requested authorization for the City to carry out urban renewal activities in the study area upon finding that a blighted condition existed. He explained that one example within the study area was Camino Villa. Mr. Skates placed a series of photos on the screen and explained that the pictures showed some properties in Camino Villa that were in a blighted, unsafe, unsanitary condition, and were below minimum standards or abandoned. He added that the east side study area was in an arrested state of economic development overall, but had very good potential for new development and growth.

Mayor McCaleb mentioned that a year or so ago, there was development in another area of Kenosha where redevelopment had taken a long time. He asked if Resolution 500 would allow better progress in the east side area. Mr. Skates said that it would probably help by providing some good urban renewal tools usable in the entire project area. Ms. Wilkening pointed out that

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land could be acquired. She said the matter came before Council tonight because it was important to have approval in hand to be ready to proceed with the condemnations as necessary.

Motion: Move to approve Resolution No. 497 to Condemn property owned by Jack and Patsy Parrott.

Motion by: Mike Lester

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 Resolution No. 498 a resolution authorizing the City Attorney to agree to Entry of Judgment in the case of The City of Broken Arrow, Oklahoma v. Jim Skinner and Diana G. Skinner, et al., Wagoner County District Court Case Number CJ-2007-1287 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

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Motion: Move to approve Resolution No. 498.

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 Resolution No. 499 a resolution extending the provisions of Resolution 496 which declared an emergency due to a significant winter storm and extensive power outages, ratification of activation of the City's Emergency Operations Center and emergency protocols, authorization to purchase materials and supplies and to enter into equipment leases and other necessary agreements, authorization to waive the provisions of Section 2-25 and 2-26 of the Broken Arrow Code and to enter into contracts for labor and services, authorization for debris removal, and directing the City Manager to carry out all applicable provisions

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Motion: Move to approve extending the Ice Storm 2007 Emergency to January 31, 2008 via Resolution 499.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

H. Consideration, possible approval of and authorization to execute Resolution No. 500 a resolution of the City Council of the City of Broken Arrow finding that blighted areas exist within the corporate boundaries; finding that the rehabilitation, conservation, redevelopment, or a combination thereof of such areas is necessary and in the interest of the public health, safety morals and welfare of the residents of such areas; determining that the exercise of the powers granted by the Oklahoma Urban Renewal Redevelopment Law, 11 O.S. 2001 38-101 38-123, is in the public interest

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Mayor McCaleb mentioned that a year or so ago, there was development in another area of Kenosha where redevelopment had taken a long time. He asked if Resolution 500 would allow better progress in the east side area. Mr. Skates said that it would probably help by providing some good urban renewal tools usable in the entire project area. Ms. Wilkening pointed out that

in this initial phase, the goal was to present very general information about the study area while focusing on specific examples of blighted conditions. She said the examples were critical to the process of Council decision to enact its inherent powers of urban renewal. She said that general information about the east side study would be presented at the next Council meeting.

Vice Mayor Lester said he would like to add some clarification for those people who lived in the Camino Villa area but did not have blighted properties. He said that this Resolution did not mean the City was going to make people move out. City Manager, Jim Twombly, said that was correct and explained that there would be a public process. He said the east side study focused on an area with a minimum of 3,500 acres for potential development under a comprehensive plan which would provide a unifying theme for the area. Mr. Twombly said that whatever specific plan was eventually adopted by Council, the goal of the study was to bring mixed-use development beginning at the Creek Turnpike and Kenosha area, and then radiating out with residential, office, and single family housing, including improved streets, new parks, and trails. He said that Camino Villa was just one location among others that were looked at in the study area and happened to be in the Kenosha corridor where redevelopment would begin.

Councilman Tucker asked Ms. Wilkening to briefly explain what the City Council was doing by enacting its powers of Urban Renewal. Ms. Wilkening said the Urban Renewal Act grants city governments extensive powers to renew blighted areas. She explained the Act requires that blighted areas be specifically identified by the governing body and formally declared as blighted. She said the governing body would also appoint an Urban Renewal Authority that would have direct oversight of the preparation of an urban renewal plan. Ms. Wilkening added that it was beneficial to be thorough in obtaining information, for example, specific examples such as Camino Villa.

Ms. Wilkening said the importance of making a declaration of blight was emphasized by a case filed against Midwest City. She explained that Midwest City spent a considerable amount of money defending itself in an action pertaining to a development near Tinker Air Force Base. She said that a major step missing in the process followed by Midwest City was the failure to make a declaration of blight with inclusion of evidentiary support such as the photos shown to Council by Mr. Skates earlier this evening.

Mr. Twombly said that a long planning process lay ahead for the east side and it included opportunity for public input as well as presentations of different development alternatives. Councilman Tucker added that he would like to see photos showing a better cross-section of properties and not just the blighted properties. Ms. Wilkening said that while there were those properties that were well cared for, it was the blighted, substandard conditions which Council had to review in order to determine if an area was blighted. She added that there were over 100 photographs from the study area that could be made available for Council.

Mayor McCaleb said that over the last five years, the City had put much effort into improving parks and trails in the east side and this was another phase of trying to improve the east side. He asked for additional comments. There were none.

<b>Motion:</b>	<b>Move to approve Resolution No. 500.</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

**10. City Manager’s Report**

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

**11. Preview Ordinances**

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

**12. Ordinances**

- A. Ordinance No. 2931 - Zoning Ordinance - an ordinance to regulate and restrict land use, building use and the location of buildings designed for specific uses; to regulate the limit of height of buildings hereafter erected or altered; to regulate and determine the size and area of yards and other open spaces; to regulate the density of land use; to establish zoning districts based upon a Comprehensive Plan and to delimit such districts by reference to a map; to provide for off-street parking and loading; to provide for the application of zoning clearance permits and the issuance thereof by the City Manager or his authorized representative; to provide for enforcement and prescribing penalties for the violation of the provisions; to provide for amendments to this Ordinance; to provide for the Board of Adjustment to define its powers; to provide for severity; to provide for procedure before the Council and the Planning Commission; to provide for amendments, codification of this ordinance and repeal of conflicting ordinances, declaring an emergency, and to become effective February 1, 2008

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in this initial phase, the goal was to present very general information about the study area while focusing on specific examples of blighted conditions. She said the examples were critical to the process of Council decision to enact its inherent powers of urban renewal. She said that general information about the east side study would be presented at the next Council meeting.

Vice Mayor Lester said he would like to add some clarification for those people who lived in the Camino Villa area but did not have blighted properties. He said that this Resolution did not mean the City was going to make people move out. City Manager, Jim Twombly, said that was correct and explained that there would be a public process. He said the east side study focused on an area with a minimum of 3,500 acres for potential development under a comprehensive plan which would provide a unifying theme for the area. Mr. Twombly said that whatever specific plan was eventually adopted by Council, the goal of the study was to bring mixed-use development beginning at the Creek Turnpike and Kenosha area, and then radiating out with residential, office, and single family housing, including improved streets, new parks, and trails. He said that Camino Villa was just one location among others that were looked at in the study area and happened to be in the Kenosha corridor where redevelopment would begin.

Councilman Tucker asked Ms. Wilkening to briefly explain what the City Council was doing by enacting its powers of Urban Renewal. Ms. Wilkening said the Urban Renewal Act grants city governments extensive powers to renew blighted areas. She explained the Act requires that blighted areas be specifically identified by the governing body and formally declared as blighted. She said the governing body would also appoint an Urban Renewal Authority that would have direct oversight of the preparation of an urban renewal plan. Ms. Wilkening added that it was beneficial to be thorough in obtaining information, for example, specific examples such as Camino Villa.

Ms. Wilkening said the importance of making a declaration of blight was emphasized by a case filed against Midwest City. She explained that Midwest City spent a considerable amount of money defending itself in an action pertaining to a development near Tinker Air Force Base. She said that a major step missing in the process followed by Midwest City was the failure to make a declaration of blight with inclusion of evidentiary support such as the photos shown to Council by Mr. Skates earlier this evening.

Mr. Twombly said that a long planning process lay ahead for the east side and it included opportunity for public input as well as presentations of different development alternatives. Councilman Tucker added that he would like to see photos showing a better cross-section of properties and not just the blighted properties. Ms. Wilkening said that while there were those properties that were well cared for, it was the blighted, substandard conditions which Council had to review in order to determine if an area was blighted. She added that there were over 100 photographs from the study area that could be made available for Council.

Mayor McCaleb said that over the last five years, the City had put much effort into improving parks and trails in the east side and this was another phase of trying to improve the east side. He asked for additional comments. There were none.

Motion: Move to approve Resolution No. 500.

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

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

## 11. Preview Ordinances

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

## 12. Ordinances

A. Ordinance No. 2931 Zoning Ordinance an ordinance to regulate and restrict land use, building use and the location of buildings designed for specific uses; to regulate the limit of height of buildings hereafter erected or altered; to regulate and determine the size and area of yards and other open spaces; to regulate the density of land use; to establish zoning districts based upon a Comprehensive Plan and to delimit such districts by reference to a map; to provide for off-street parking and loading; to provide for the application of zoning clearance permits and the issuance thereof by the City Manager or his authorized representative; to provide for enforcement and prescribing penalties for the violation of the provisions; to provide for amendments to this Ordinance; to provide for the Board of Adjustment to define its powers; to provide for severity; to provide for procedure before the Council and the Planning Commission; to provide for amendments, codification of this ordinance and repeal of conflicting ordinances, declaring an emergency, and to become effective February 1, 2008

**Section Minutes:** Farhad Daroga, City Planner, presented the highlights from Zoning Ordinance No. 2931

<b>Motion:</b>	<b>Move to approve Ordinance No. 2931.</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>Motion:</b>	<b>Move to approve the Emergency Clause of Ordinance No. 2931.</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

Council requested that Ordinance Nos. 2944, 2945, and 2946 be taken together.

- B. Ordinance No. 2944 - an ordinance amending the Broken Arrow Code Chapter 6, Articles I through VII, IX and XI creating a new Article XI Building Permit Fees and Charges Sections 6-300 through 6-304, amending the General Building Regulations, repealing the previously adopted 2003 edition of the International Building Code (IBC); adopting and amending the 2006 edition of the International Building Code including Appendix A, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J; and Appendix K; repealing the previously adopted 2003 edition of the International Property Maintenance Code; adopting and amending the 2006 edition of the International Property Maintenance Code; repealing the previously adopted 2003 edition of the IBC; adopting and amending the 2006 edition of the International Residential Code including Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix G, Appendix H, Appendix I, Appendix J, Appendix K,; Appendix M, Appendix N, Appendix O, Appendix P, and Appendix Q; adopting and amending the 2005 edition of the National Electrical Code; repealing the previously adopted 2003 edition of the International Plumbing Code; adopting and amending the 2006 edition of the International Plumbing Code including Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G; repealing the previously adopted 2003 edition of the International Mechanical Code; adopting and amending the 2006 edition of the International Mechanical Code including Appendix A; and adopting and amending the 2006 edition of the International Fuel Gas Code including Appendix A, Appendix B, Appendix C, Appendix D; repealing all ordinances to the contrary and declaring an emergency
- C. Ordinance No. 2945 - an ordinance amending the Broken Arrow Code Chapter 10, Articles I, III, and IV by repealing the previously adopted 2003 edition of the NFPA 101 Life Safety Code; adopting and amending the 2006 edition of the NFPA 101 Life Safety Code; repealing the previously adopted 2003 edition of the International Fire Code; adopting and amending the 2006 edition of the International Fire Code, including Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, and general regulations of explosives; repealing all ordinances to the contrary and declaring an emergency

**Section Minutes:** Michael Skates presented Ordinances 2944 and 2945. He explained that both ordinances updated sections of the building, electrical, plumbing, and fire codes to update them to the 2006 codes.

- D. Ordinance No. 2946 - an ordinance amending Chapter 24, Water, Sewage and 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

**Section Minutes:** Mr. Wooden stated this is a direct pass through of an increase of the base cost of water from the Oklahoma Ordinance Works Authority to the City of Broken Arrow. He said it increases the cost of finished water to the City by approximately three cents.

<b>Motion:</b>	<b>Move to approve Ordinance No. 2944, 2945, and 2946</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>Motion:</b>	<b>Move to approve the Emergency Clause for Ordinance Nos. 2944, 2945, and 2946</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



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Section Minutes: Farhad Daroga, City Planner, presented the highlights from Zoning Ordinance No. 2931

Motion: Move to approve Ordinance No. 2931.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Motion: Move to approve the Emergency Clause of Ordinance No. 2931.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Council requested that Ordinance Nos. 2944, 2945, and 2946 be taken together.

B. Ordinance No. 2944 an ordinance amending the Broken Arrow Code Chapter 6, Articles I through VII, IX and XI creating a new Article XI Building Permit Fees and Charges Sections 6-300 through 6-304, amending the General Building Regulations, repealing the previously adopted 2003 edition of the International Building Code IBC); adopting and amending the 2006 edition of the International Building Code including Appendix A, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J; and Appendix K; repealing the previously adopted 2003 edition of the International Property Maintenance Code; adopting and amending the 2006 edition of the International Property Maintenance Code; repealing the previously adopted 2003 edition of the IBC; adopting and amending the 2006 edition of the International Residential Code including Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix G, Appendix H, Appendix I, Appendix J, Appendix K,; Appendix M, Appendix N, Appendix O, Appendix P, and Appendix Q; adopting and amending the 2005 edition of the National Electrical Code; repealing the previously adopted 2003 edition of the International Plumbing Code; adopting and amending the 2006 edition of the International Plumbing Code including Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G; repealing the previously adopted 2003 edition of the International Mechanical Code; adopting and amending the 2006 edition of the International Mechanical Code including Appendix A; and adopting and amending the 2006 edition of the International Fuel Gas Code including Appendix A, Appendix B, Appendix C, Appendix D; repealing all ordinances to the contrary and declaring an emergency

C. Ordinance No. 2945 an ordinance amending the Broken Arrow Code Chapter 10, Articles I, III, and IV by repealing the previously adopted 2003 edition of the NFPA 101 Life Safety Code; adopting and amending the 2006 edition of the NFPA 101 Life Safety Code; repealing the previously adopted 2003 edition of the International Fire Code; adopting and amending the 2006 edition of the International Fire Code, including Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, and general regulations of explosives; repealing all

ordinances to the contrary and declaring an emergency

Section Minutes: Michael Skates presented Ordinances 2944 and 2945. He explained that both ordinances updated sections of the building, electrical, plumbing, and fire codes to update them to the 2006 codes.

D. Ordinance No. 2946 an ordinance amending Chapter 24, Water, Sewage and 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

Section Minutes: Mr. Wooden stated this is a direct pass through of an increase of the base cost of water from the Oklahoma Ordinance Works Authority to the City of Broken Arrow. He said it increases the cost of finished water to the City by approximately three cents.

Motion: Move to approve Ordinance No. 2944, 2945, and 2946

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Motion: Move to approve the Emergency Clause for Ordinance Nos. 2944, 2945, and 2946

Motion by: Mike Lester

Second by: Richard Carter

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 commented that the City crews were doing a great job with the continuing clean up after the ice storm.

Mayor McCaleb asked for a motion to enter into the Broken Arrow Municipal Authority meeting at 7:16 p.m.

<b>Motion:</b>	<b>Move to recess to enter into Broken Arrow Municipal Authority 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

**Section Minutes:** The Mayor reconvened the regular session at the noted time of 7:17 p.m.

<b>Motion:</b>	<b>Move to take a short break 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 7:25 p.m. and asked for a motion to leave the regular session and enter into Executive Session.

<b>Motion:</b>	<b>Move to enter into Executive Session.</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

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 Steeplechase Farms and Amended Glen Eagles Subdivisions Stormwater Systems particularly as it relates to pending litigation in Kidd, et al. v. City of Broken Arrow, Wagoner County District Court Case Number CJ-2007-1229, and potential litigation regarding formation of assessment districts both under 25 O.S. § 307(B)(4), as well as the potential acquisition of property under 25 O.S. § 307(B)(3). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process this pending and potential litigation in the public interest. After the conclusion of the confidential portion of the executive session, the Council will reconvene in open meeting, and the final decisions, if any, will be put to a vote.

**Section Minutes:** The Mayor reconvened the regular session at the noted time of 8:16 p.m. No action was taken.

15. **Adjournment**

<b>Motion:</b>	<b>Move to adjourn.</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

The meeting was adjourned at the noted time of 8:16 p.m.

\_\_\_\_\_  
Mayor

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

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13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mayor McCaleb commented that the City crews were doing a great job with the continuing clean up after the ice storm.

Mayor McCaleb asked for a motion to enter into the Broken Arrow Municipal Authority meeting at 7:16 p.m.

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

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 7:17 p.m.

Motion: Move to take a short break 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 7:25 p.m. and asked for a motion to leave the regular session and enter into Executive Session.

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 Steeplechase Farms and Amended Glen Eagles Subdivisions Stormwater Systems particularly as it relates to pending litigation in Kidd, et al. v. City of Broken Arrow, Wagoner County District Court Case Number CJ-2007-1229, and potential litigation regarding formation of assessment districts both under 25 O.S. 307(B)(4), as well as the potential acquisition of property under 25 O.S. 307(B)(3). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process this pending and potential litigation in the public interest. After the conclusion of the confidential portion of the executive session, the Council will reconvene in open meeting, and the final decisions, if any, will be put to a vote.

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:16 p.m. No action was taken.

## 15. Adjournment

Motion: Move to adjourn.

Motion by: Richard Carter

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 8:16 p.m.

Mayor

City Clerk