

**BROKEN ARROW CITY COUNCIL MINUTES**  
**March 4, 2008**

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, March 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 Charles Allison, Northside Freewill Baptist, gave 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 Nathan Webb, Troop 412 sponsored by Fellowship Bible Church, led the Pledge of Allegiance.

**5. Consideration of Consent Agenda**

- A. Acceptance of minutes of a Planning Commission meeting held February 14, 2008
- B. Approval of the special meeting minutes of February 25, 2008
- C. Approval of Resolution No. 511 ratifying Entry of Judgment in the case of the City of Broken Arrow, Oklahoma v. Union Pacific Railroad Company, Tulsa County District Court Case Number CJ-2007-8514 and ratifying the execution of all documents to effectuate settlement including a Journal Entry for the Court's approval
- D. Ratification of a proclamation declaring February 23, 2008 as "Spay Day USA" in the City of Broken Arrow
- E. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Girl's Softball League, Inc. (BAGSL), for use of the Youth Softball Fields at the Arrowhead Softball Complex and the Central Park Softball Complex, from the date of execution through December 31, 2008
- F. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Youth Baseball Association (BAYBA), for use of the Youth Baseball Fields at Indian Springs Sports Complex, from the date of execution through December 31, 2008
- G. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Broken Arrow Adult Softball Association (BAASA), for use of the Al Graham Adult Softball Fields at Indian Springs Sports Complex, from the date of execution through December 31, 2008
- H. Approval of and authorization to execute a Gas Facilities Relocation Agreement with Oklahoma Natural Gas Company (ONG) for relocations along New Orleans Street from Elm Place to 9th and from 9th to 23rd
- I. Approval of and authorization to execute a Gas Facilities Relocation Agreement with Oklahoma Natural Gas Company (ONG) for relocations along Kenosha Street from 37th to the Creek Turnpike
- J. Approval of and authorization to execute a lease agreement between the City of Broken Arrow and USA Mobility Wireless, Inc. for communications site
- K. Approval of and authorization to execute an addendum to equipment lease agreement dated August 20, 2007, substituting and deleting one (1) copier
- L. Approval of SP 223, integrated development identification signs for The Shops at Broken Arrow, 64.80 acres, C-5, east of 9th Street (Lynn Lane/177th East Avenue) and north of the Broken Arrow Expressway.
- M. Approval of bids received and award of the most advantageous bid to Rocket Construction Services, LLC for Portland Cement Concrete Street Repairs
- N. Approval of sole source purchase of required upgrade equipment for the 800 MHz radio communications system

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H. Approval of and authorization to execute a Gas Facilities Relocation Agreement with Oklahoma Natural Gas Company ONG) for relocations along New Orleans Street from Elm Place to 9th and from 9th to 23rd

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- M. Approval of bids received and award of the most advantageous bid to Rocket Construction Services, LLC for Portland Cement Concrete Street Repairs
- N. Approval of sole source purchase of required upgrade equipment for the 800 MHz radio communications system

- O. Approval of purchase of video traffic detection equipment for Broadway & Houston intersections on Main St
- P. Approval of request for water service for temporary construction trailer for expansion project at Tulsa Technology Center located on the Northwest corner of Olive Avenue (129th East Avenue) and Florence Street (111th Street)
- Q. Acceptance of a Deed of Dedication and a Utility Easement from Michael W. and Patty L. Gauldin (S12 T18N R14E) [Project: Mike's Tire and Automotive)
- R. Acceptance of a General Warranty Deed From William R. Bryk S07 T18N R15E
- S. Acceptance of a General Warranty Deed from The Betty Ann Mockley 1992 Revocable Trust Dated October 20, 1992 located approximately 51 feet North & 24.80 feet West of the Intersection of E Kenosha St & N 37 St
- T. Acceptance of a Temporary Construction Easement from The Betty Ann Mockley 1992 Revocable Trust
- U. Acceptance of a Temporary Construction Easement from Chester L. & Mary Jane Lanning
- V. Acceptance of a Temporary Construction Easement From Meadow Homes Land Of Oklahoma, Inc., S23 T18N R14E
- W. Acceptance of a Permanent Drainage Easement located approximately at the intersection of East Kenosha Street & North 37th Street from The Betty Ann Mockley 1992 Revocable Trust
- X. 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 removed from the Consent Agenda.

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

- A. Presentation: Approval of and authorization for the Mayor to execute a proclamation declaring March 5, 2008 as 'Dr. Larry B. Williams Day' in the City of Broken Arrow

<b>Motion:</b>	<b>Move to approve 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

**Item Minutes:** Mayor McCaleb read the Proclamation and said he would present the Proclamation to Dr. Williams at a reception on Wednesday, March 5, 2008. Councilman Carter said he was an NSU graduate and that Dr. Williams was a major part of bringing NSU to Broken Arrow and making it a success. Vice Mayor Lester agreed and said he also was an NSU graduate.

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

**Section Minutes:** The Mayor said it was only 6:38 p.m. so he would move on to Item 9 and return to Item 8 at 7:00 P.M.

**9. General Council Business**

**Section Minutes:** Mayor McCaleb said Council would take Item 9B first.

- B. Consideration of bids and possible action awarding the sale of \$10,685,000 principal amount of General Obligation Bonds, and authorization to execute the pertinent documents related thereto

**Item Minutes:** City Manager, Jim Twombly, said that bids were received on March 4, 2008 for the possible sale of \$10,685,000 in General Obligation Bonds. He said the proceeds from the proposed sale would be used for Streets (\$10,077,500) and Public Safety (\$607,500). Mr. John Wolf of Municipal Finance Services reviewed the bid results and Mayor McCaleb asked for a motion to approve the lowest bid from Robert W. Baird & Co., Inc.

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O. Approval of purchase of video traffic detection equipment for Broadway & Houston intersections on Main St

P. Approval of request for water service for temporary construction trailer for expansion project at Tulsa Technology Center located on the Northwest corner of Olive Avenue 129th East Avenue) and Florence Street 111th Street)

Q. Acceptance of a Deed of Dedication and a Utility Easement from Michael W. and Patty L. Gauldin S12 T18N R14E) Project: Mike's Tire and Automotive)

R. Acceptance of a General Warranty Deed From William R. Bryk S07 T18N R15E

S. Acceptance of a General Warranty Deed from The Betty Ann Mockley 1992 Revocable Trust Dated October 20, 1992 located approximately 51 feet North & 24.80 feet West of the Intersection of E Kenosha St & N 37 St

T. Acceptance of a Temporary Construction Easement from The Betty Ann Mockley 1992 Revocable Trust

U. Acceptance of a Temporary Construction Easement from Chester L. & Mary Jane Lanning

V. Acceptance of a Temporary Construction Easement From Meadow Homes Land Of Oklahoma, Inc., S23 T18N R14E

W. Acceptance of a Permanent Drainage Easement located approximately at the intersection of East Kenosha Street & North 37th Street from The Betty Ann Mockley 1992 Revocable Trust

X. 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 removed from the Consent Agenda.

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

A. Presentation: Approval of and authorization for the Mayor to execute a proclamation declaring March 5, 2008 as Dr. Larry B. Williams Day' in the City of Broken Arrow

Motion: Move to approve the Proclamation.

Motion by: Richard Carter

Second by: Craig Thurmond

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

Nays: None

Item Minutes: Mayor McCaleb read the Proclamation and said he would present the Proclamation to Dr. Williams at a reception on Wednesday, March 5, 2008. Councilman Carter said he was an NSU graduate and that Dr. Williams was a major part of bringing NSU to Broken Arrow and making it a success. Vice Mayor Lester agreed and said he also was an NSU graduate.

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

Section Minutes: The Mayor said it was only 6:38 p.m. so he would move on to Item 9 and return to Item 8 at 7:00 P.M.

#### 9. General Council Business

Section Minutes: Mayor McCaleb said Council would take Item 9B first.

B. Consideration of bids and possible action awarding the sale of \$10,685,000 principal amount of General Obligation Bonds, and authorization to execute the pertinent documents related thereto

Item Minutes: City Manager, Jim Twombly, said that bids were received on March 4, 2008 for the possible sale of \$10,685,000 in General Obligation Bonds. He said the proceeds from the proposed sale would be used for Streets (\$10,077,500) and Public Safety (\$607,500). Mr. John Wolf of Municipal Finance Services reviewed the bid results and Mayor McCaleb asked for a motion to approve the lowest bid from Robert W. Baird & Co., Inc.

<b>Motion:</b>	<b>Move to award the bid for the sale of \$10,685,000 in General Obligation Bonds, Series 2008 to Robert W. Baird &amp; Co., Inc.</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

- A. Consideration and possible approval of Ordinance Number 2936 providing for the issuance of \$10,685,000 General Obligation Bonds Series 2008 by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue and declaring an emergency

**Item Minutes:** Mr. Twombly presented this Item stating that this ordinance finalizes the steps required to proceed with the sale, issuance, collection and payment of the bonds. He added that Mr. Don Kiser, Bond Counsel of Kiser Law Firm, PLLC was present to answer any questions Council might have.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 2936 and approve the Emergency Clause.</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. Consideration and possible approval to execute Resolution No. 512 - a resolution of Necessity for authority to proceed with Condemnation of property located at 18015 East 101st Street, Broken Arrow, Tulsa County, Oklahoma (New Orleans Street Widening from 9th to 23rd Street)

**Item Minutes:** Assistant City Attorney, Lesli Myers, gave background on the resolution noting acquisition of the property is necessary for the New Orleans Street Widening Project. Due to the death of the owner and a pending foreclosure action, there was no counter-offer made. Staff recommends the City proceed with condemnation.

<b>Motion:</b>	<b>Move to approve Resolution No. 512.</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

- D. Consideration and possible approval to execute Resolution No. 513 - a resolution of the City Council of the City of Broken Arrow electing that the powers granted by the Oklahoma Urban Renewal Law, 11 O.S. 2001 Sections 38-101 - 38-123, be exercised by an Urban Renewal Authority; finding that the rehabilitation, conservation, redevelopment, or a combination thereof of blighted areas is necessary and in the interest of the public health, safety, morals and welfare of the residents of such areas; and determining that the exercise of such powers for those purposes is in the public interest

**Item Minutes:** Jim Twombly presented the item explaining that Resolution No. 513 sets up an Urban Renewal Authority for the City of Broken Arrow, authorizes the Mayor's appointment of the Board of Commissioners of the Authority, and finds it appropriate and desirable for an Urban Renewal Plan to be prepared for a portion of the East Side Development Study Area, which includes Camino Villa.

In response to Council inquiries, Mr. Twombly said there would be a process of meetings with property owners, and a series of public meetings. He added that the City is continuing to work with Camino Villa residents to help clean up the community. Mr. Twombly added that the Authority would be able to deal with all areas within the Corporate City Limits which are declared as blighted. He added that Commissioners of the Authority would be residents of the City.

<b>Motion:</b>	<b>Move to approve Resolution No. 513.</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

- E. Consideration and possible approval to execute Resolution No. 514 - a resolution establishing the necessity of improvement to stormwater systems of Steeplechase Farms and Amended Glen Eagles Subdivisions and directing the Municipal Engineer to prepare and file preliminary construction plans

**Item Minutes:** Assistant City Manager, Dave Wooden, provided a brief background as presented in the Fact Sheet provided with the Agenda.

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Motion: Move to award the bid for the sale of \$10,685,000 in General Obligation Bonds, Series 2008 to Robert W. Baird & Co., Inc.

Motion by: Richard Carter

Second by: Mike Lester

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

Nays: None

A. Consideration and possible approval of Ordinance Number 2936 providing for the issuance of \$10,685,000 General Obligation Bonds Series 2008 by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue and declaring an emergency

Item Minutes: Mr. Twombly presented this Item stating that this ordinance finalizes the steps required to proceed with the sale, issuance, collection and payment of the bonds. He added that Mr. Don Kiser, Bond Counsel of Kiser Law Firm, PLLC was present to answer any questions Council might have.

Motion: Move to adopt Ordinance No. 2936 and approve the Emergency Clause.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

C. Consideration and possible approval to execute Resolution No. 512 a resolution of Necessity for authority to proceed with Condemnation of property located at 18015 East 101st Street, Broken Arrow, Tulsa County, Oklahoma New Orleans Street Widening from 9th to 23rd Street)

Item Minutes: Assistant City Attorney, Lesli Myers, gave background on the resolution noting acquisition of the property is necessary for the New Orleans Street Widening Project. Due to the death of the owner and a pending foreclosure action, there was no counter-offer made. Staff recommends the City proceed with condemnation.

Motion: Move to approve Resolution No. 512.

Motion by: Richard Carter

Second by: Mike Lester

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

Nays: None

D. Consideration and possible approval to execute Resolution No. 513 a resolution of the City Council of the City of Broken Arrow electing that the powers granted by the Oklahoma Urban Renewal Law, 11 O.S. 2001 Sections 38-101 38-123, be exercised by an Urban Renewal Authority; finding that the rehabilitation, conservation, redevelopment, or a combination thereof of blighted areas is necessary and in the interest of the public health, safety, morals and welfare of the residents of such areas; and determining that the exercise of such powers for those



purposes is in the public interest

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Motion: Move to approve Resolution No. 513.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

E. Consideration and possible approval to execute Resolution No. 514 a resolution establishing the necessity of improvement to stormwater systems of Steeplechase Farms and Amended Glen Eagles Subdivisions and directing the Municipal Engineer to prepare and file preliminary construction plans

Item Minutes: Assistant City Manager, Dave Wooden, provided a brief background as presented in the Fact Sheet provided with the Agenda.

<b>Motion:</b>	<b>Move to approve Resolution No. 514.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

F. Consideration and possible approval of including the President's FY 2009 Budget Proposal into the 2008 Federal Legislative Issues

**Item Minutes:** Jim Twombly presented the item. He said the budget items were added to the City's 2008 Federal Legislative Issues in response to Council's request at the February 18<sup>th</sup> Council meeting.

<b>Motion:</b>	<b>Move to approve the items for inclusion in Federal Legislative Issues.</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

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

**Section Minutes:** Linda Carriger, 1037 N. Oak Court, addressed Council and expressed her concern regarding graffiti in the City. She said that she believes graffiti is indicative of gangs moving into areas and she asked that the City take the presence of graffiti very seriously. Police Chief, Todd Wuestewald, stated the City takes graffiti seriously and has a graffiti eradication program which actively investigates graffiti activity. He further stated that past investigations indicate the perpetrators are relatively few in number and some are just 'taggers' and not gang related. Chief Wuestewald said he would meet with Ms. Carriger after she completed her comments in order to obtain additional information regarding locations of graffiti and to discuss community efforts.

No action was taken or required.

G. Consideration and possible approval of proposed amendments to the Broken Arrow Comprehensive Plan related to the East Side Study and the corresponding changes in the Broken Arrow Comprehensive Plan Future Development Guide and Land Use Designations and Land Use Intensity Classifications, for an area east of 23rd Street (County Line Road) and south of Omaha Street (51st Street), north of the Muskogee Turnpike and west of an area one-quarter mile east of Evans Road (225th East Avenue).

**Item Minutes:** Mr. Farhad Daroga, City Planner, presented this Item and provided a background and update as presented in the Fact sheet provided in the Agenda packet. In addition, he reviewed maps and possibilities for future development that would create desirable density levels for successful urban and economic development.

Michael Skates, Director Development Services, provided additional background and commented that there would be opportunities to pursue a variety of uses.

<b>Motion:</b>	<b>Move to direct staff to prepare a resolution amending the Comprehensive Plan and adopting the East Side Development Study as recommended by the Planning Commission and Staff.</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

H. Consideration, possible approval of, and authorization to execute Amendment No. 1 to Contract for Economic Development Services with the Broken Arrow Economic Development Corporation

**Item Minutes:** Mr. Twombly said that the existing contract focuses more on office, industrial, technological and workforce development programs rather than retail development. He added that development of a strong retail base is obviously important to the City of Broken Arrow because of its strong reliance on sales tax revenues. Mr. Twombly added that the Amendment to the Contract provides an incentive of \$10,000.00 to the EDC for every 50,000 square feet of retail development constructed which resulted in the issuance of a Certificate of Occupancy from the City of Broken Arrow. He said the Contract would expire by its own terms on June 30, 2008.

<b>Motion:</b>	<b>Move to approve Amendment No. 1 to Contract for Economic Development Services between the City of Broken Arrow and the Broken Arrow Economic Development Corporation and authorize execution.</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Philip Tucker, Mike Lester, Wade McCaleb, Richard Carter, Craig Thurmond
<b>Nays:</b>	None

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Motion: Move to approve Resolution No. 514.

Motion by: Richard Carter

Second by: Philip Tucker

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

Nays: None

F. Consideration and possible approval of including the President's FY 2009 Budget Proposal into the 2008 Federal Legislative Issues

Item Minutes: Jim Twombly presented the item. He said the budget items were added to the City's 2008 Federal Legislative Issues in response to Council's request at the February 18

th

Council meeting.

Motion: Move to approve the items for inclusion in Federal Legislative Issues.

Motion by: Mike Lester

Second by: Richard Carter

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: Linda Carriger, 1037 N. Oak Court, addressed Council and expressed her concern regarding graffiti in the City. She said that she believes graffiti is indicative of gangs moving into areas and she asked that the City take the presence of graffiti very seriously. Police Chief, Todd Wuestewald, stated the City takes graffiti seriously and has a graffiti eradication program which actively investigates graffiti activity. He further stated that past investigations indicate the perpetrators are relatively few in number and some are just taggers' and not gang related. Chief Wuestewald said he would meet with Ms. Carriger after she completed her comments in order to obtain additional information regarding locations of graffiti and to discuss community efforts.

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Michael Skates, Director Development Services, provided additional background and commented that

there would be opportunities to pursue a variety of uses.

Motion: Move to direct staff to prepare a resolution amending the Comprehensive Plan and adopting the East Side Development Study as recommended by the Planning Commission and Staff.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

H. Consideration, possible approval of, and authorization to execute Amendment No. 1 to Contract for Economic Development Services with the Broken Arrow Economic Development Corporation

Item Minutes: Mr. Twombly said that the existing contract focuses more on office, industrial, technological and workforce development programs rather than retail development. He added that development of a strong retail base is obviously important to the City of Broken Arrow because of its strong reliance on sales tax revenues. Mr. Twombly added that the Amendment to the Contract provides an incentive of \$10,000.00 to the EDC for every 50,000 square feet of retail development constructed which resulted in the issuance of a Certificate of Occupancy from the City of Broken Arrow. He said the Contact would expire by its own terms on June 30, 2008.

Motion: Move to approve Amendment No. 1 to Contract for Economic Development Services between the City of Broken Arrow and the Broken Arrow Economic Development Corporation and authorize execution.

Motion by: Philip Tucker

Second by: Mike Lester

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

Nays: None

- I. Consideration of nominations to fill two vacancies on the Broken Arrow Board of Adjustment created by the expiring terms of Archer Honea and Dick Baze, whose terms expire May 5, 2008

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

- J. Consideration and possible approval of 5K Run Road Closings on May 3, 2008 - Albany from Aspen to North 7th Street, West of Lynn Lane, from 7:00 AM until 9:00 AM

**Item Minutes:** Jim Twombly provided a brief background as presented in the Fact Sheet provided with the Agenda.

<b>Motion:</b>	<b>Move to approve the 5K Run road closings on Saturday, May 3, 2008 – Albany from Aspen to North 7<sup>th</sup> Street, west of Lynn Lane, from 7:00 a.m. to 9:00 a.m.</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

## 10. City Manager's Report

- A. Centennial Clock

**Section Minutes:** Jim Twombly provided a brief background as presented in the Fact Sheet provided with the Agenda.

No action was taken.

Mayor McCaleb said he met with the City Manager and requested that Council and staff look at each department for ways to save money before considering rate increases or looking for other ways to increase revenue.

Mr. Twombly said he would report to Council regarding steps the City has taken and will take to reduce costs and save money.

## 11. Preview Ordinances

- A. An ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article I, In General, Section 2-13, Members of Boards and Commissions; repealing all ordinances in conflict herewith, and declaring an emergency
- B. An ordinance amending the Broken Arrow Code, Chapter 14, Municipal Court, Section 14-7, Judge's Term of Office and Educational Requirement; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

**Item Minutes:** Lesli Myers provided the background on Items 11A and 11B as presented in the Fact Sheets provided with the Agenda.

- C. An ordinance amending Section 7-211 of the Broken Arrow Code, providing for an increase in ambulance service charges, and repealing all ordinances to the contrary

**Item Minutes:** Assistant City Manager, Dave Wooden, provided background as presented in the Fact Sheet provided with the Agenda. He said that, prior to implementation, the City would submit the plan for review and approval to the Inspector General of the Department of Health and Human Services. He said this additional step was being taken to protect the City from discrimination claims in ambulance billing.

Finance Director, Tom Caldwell, addressed Council's inquiries noting it was too early into the contract with Intermedix to know whether or not collections had increased. He said their billing started in November and, since that time, Intermedix had billed approximately \$700,000 and collected about \$100,000.

<b>Motion:</b>	<b>Move to approve forwarding the preview ordinances to the next agenda for possible adoption.</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

I. Consideration of nominations to fill two vacancies on the Broken Arrow Board of Adjustment created by the expiring terms of Archer Honea and Dick Baze, whose terms expire May 5, 2008

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

Motion by: Wade McCaleb

Second by: Mike Lester

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

Nays: None

J. Consideration and possible approval of 5K Run Road Closings on May 3, 2008 Albany from Aspen to North 7th Street, West of Lynn Lane, from 7:00 AM until 9:00 AM

Item Minutes: Jim Twombly provided a brief background as presented in the Fact Sheet provided with the Agenda.

Motion: Move to approve the 5K Run road closings on Saturday, May 3, 2008 Albany from Aspen to North 7th

Street, west of Lynn Lane, from 7:00 a.m. to 9:00 a.m.

Motion by: Craig Thurmond

Second by: Richard Carter

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

Nays: None

## 10. City Manager's Report

### A. Centennial Clock

Section Minutes: Jim Twombly provided a brief background as presented in the Fact Sheet provided with the Agenda.

No action was taken.

Mayor McCaleb said he met with the City Manager and requested that Council and staff look at each department for ways to save money before considering rate increases or looking for other ways to increase revenue.

Mr. Twombly said he would report to Council regarding steps the City has taken and will take to reduce costs and save money.

### 11. Preview Ordinances

A. An ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article I, In General, Section 2-13, Members of Boards and Commissions; repealing all ordinances in conflict herewith, and declaring an emergency

B. An ordinance amending the Broken Arrow Code, Chapter 14, Municipal Court, Section 14-7, Judge's Term of Office and Educational Requirement; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Item Minutes: Lesli Myers provided the background on Items 11A and 11B as presented in the Fact

Sheets provided with the Agenda.

C. An ordinance amending Section 7-211 of the Broken Arrow Code, providing for an increase in ambulance service charges, and repealing all ordinances to the contrary

Item Minutes: Assistant City Manager, Dave Wooden, provided background as presented in the Fact Sheet provided with the Agenda. He said that, prior to implementation, the City would submit the plan for review and approval to the Inspector General of the Department of Health and Human Services. He said this additional step was being taken to protect the City from discrimination claims in ambulance billing.

Finance Director, Tom Caldwell, addressed Council's inquiries noting it was too early into the contract with Intermedix to know whether or not collections had increased. He said their billing started in November and, since that time, Intermedix had billed approximately \$700,000 and collected about \$100,000.

Motion: Move to approve forwarding the preview ordinances to the next agenda for possible adoption.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

<b>Motion:</b>	<b>Move to authorize the Mayor to request an advisory opinion from the Inspector General of the Department of Health and Human Services.</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

**12. Ordinances**

- A. Ordinance No. 2934 - an ordinance amending the Broken Arrow Code, Chapter 16, Offenses - Miscellaneous, Article III., Offenses Against Property, Section 16-57, Buying, receiving, etc., stolen property; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. Ordinance No. 2935 - an ordinance amending Chapter 16, Article I, Section 16-12 of the Broken Arrow Code pertaining to Disturbing the peace; disorderly conduct; repealing all ordinances to the contrary; and declaring an emergency
- C. Ordinance No. 2938 - an ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article I, In General, Section 2-2, Time of Regular City Council Meetings; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

**Section Minutes:** Lesli Myers gave background on each ordinance as presented in the Fact Sheets provided with the Agenda.

<b>Motion:</b>	<b>Move to approve Ordinance Nos. 2934, 2935, and 2938.</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>Motion:</b>	<b>Move to approve Emergency Clauses of Ordinance Nos. 2934, 2935, and 2938.</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

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

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

<b>Motion:</b>	<b>Move to recess at 7:55 p.m. to enter into Broken Arrow Municipal Authority meeting.</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

**Section Minutes:** The Mayor reconvened the regular meeting at the noted time of 7:58 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>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**Section Minutes:** The Mayor reconvened the regular meeting at the noted time of 8:08 pm.

<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's Attorney for the purpose of conferring on matters concerning negotiations with employees and representatives of employee groups, specifically the Communication Workers' of America, the Fraternal Order of Police and IAFF under 25 O.S. § 307(B)(2); the purchase and appraisal of real property at Elm Place and the Creek Turnpike and the North Elm Place Right-of-Way from the FAA tower to Omaha Street under 25 O.S. § 307(B)(3); The City of Broken Arrow v. Troy Dwight Cospers, et al., Tulsa County District Court Case Number CJ-2007-6992; The City of Broken Arrow v. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County



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Motion: Move to authorize the Mayor to request an advisory opinion from the Inspector General of the Department of Health and Human Services.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

## 12. Ordinances

A. Ordinance No. 2934 an ordinance amending the Broken Arrow Code, Chapter 16, Offenses Miscellaneous, Article III., Offenses Against Property, Section 16-57, Buying, receiving, etc., stolen property; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. Ordinance No. 2935 an ordinance amending Chapter 16, Article I, Section 16-12 of the Broken Arrow Code pertaining to Disturbing the peace; disorderly conduct; repealing all ordinances to the contrary; and declaring an emergency

C. Ordinance No. 2938 an ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article I, In General, Section 2-2, Time of Regular City Council Meetings; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Section Minutes: Lesli Myers gave background on each ordinance as presented in the Fact Sheets provided with the Agenda.

Motion: Move to approve Ordinance Nos. 2934, 2935, and 2938.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

Motion: Move to approve Emergency Clauses of Ordinance Nos. 2934, 2935, and 2938.

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

Motion: Move to recess at 7:55 p.m. to enter into Broken Arrow Municipal Authority meeting.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

Section Minutes: The Mayor reconvened the regular meeting at the noted time of 7:58 p.m.

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

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

Section Minutes: The Mayor reconvened the regular meeting at the noted time of 8:08 pm.

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's Attorney for the purpose of conferring on matters concerning negotiations with employees and representatives of employee groups, specifically the Communication Workers' of America, the Fraternal Order of Police and IAFF under 25 O.S. 307(B)(2); the purchase and appraisal of real property at Elm Place and the Creek Turnpike and the North Elm Place Right-of-Way from the FAA tower to Omaha Street under 25 O.S. 307(B)(3); The City of Broken Arrow v. Troy Dwight Cosper, et al., Tulsa County District Court Case Number CJ-2007-6992; The City of Broken Arrow v. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County

District Court Case Number CJ-2007-07889; The City of Broken Arrow v. Tommy J. Donathan, et al., Tulsa County District Court Case Number CJ-2007-7894; The City of Broken Arrow v. David A. Center v. Lorri S. Center, et al., Tulsa County District Court Case Number CJ-2007-07888; and litigation involving the Double Eagle Refinery Superfund Site, all under 25 O.S. § 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

**Section Minutes:** The Mayor reconvened the regular meeting.

<b>Motion:</b>	<b>Move to proceed as directed on possible real property sale at Elm Place and the Creek Turnpike.</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 proceed as directed on obtaining right-of-way for Elm Place from the FAA Tower to Omaha 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

<b>Motion:</b>	<b>Move to proceed with negotiation with Unions as directed.</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

<b>Motion:</b>	<b>Move to have staff continue negotiation on Cospers, Donathan and Center condemnations and to file a demand for jury trial in Poplin condemnation.</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

**15. Adjournment**

<b>Motion:</b>	<b>Move to adjourn.</b>
<b>Motion by:</b>	
<b>Second by:</b>	
<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 9:11 p.m.

\_\_\_\_\_  
Mayor

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

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District Court Case Number CJ-2007-07889; The City of Broken Arrow v. Tommy J. Donathan, et al., Tulsa County District Court Case Number CJ-2007-7894; The City of Broken Arrow v. David A. Center v. Lorri S. Center, et al., Tulsa County District Court Case Number CJ-2007-07888; and litigation involving the Double Eagle Refinery Superfund Site, all under 25 O.S. 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Section Minutes: The Mayor reconvened the regular meeting.

Motion: Move to proceed as directed on possible real property sale at Elm Place and the Creek Turnpike.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Motion: Move to proceed as directed on obtaining right-of-way for Elm Place from the FAA Tower to Omaha Street.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

Motion: Move to proceed with negotiation with Unions as directed.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

Motion: Move to have staff continue negotiation on Cospers, Donathan and Center condemnations and to file a demand for jury trial in Poplin condemnation.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

## 15. Adjournment

Motion: Move to adjourn.

Motion by:

Second by:

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

Nays: None

Section Minutes: The meeting was adjourned at the noted time of 9:11 p.m.

Mayor

City Clerk