

BROKEN ARROW CITY COUNCIL MINUTES

October 7, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, October 7, 2008, at 6:30 p.m.

1. **Call to Order**

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

2. **Invocation**

Section Minutes: Pastor Herb Schultz of Lord of Life Church delivered the invocation.

3. **Roll Call**

Present:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Absent:	None

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

Section Minutes: Broken Arrow Boy Scout Troop 933 led those present in the Pledge of Allegiance to the Flag.

5. **Consideration of Consent Agenda**

Section Minutes:

- A. Approval of the special meeting minutes of September 15, 2008
- B. Approval of the special meeting minutes of September 24, 2008
- C. Approval of the special meeting minutes of October 2, 2008
- D. Acceptance of the minutes of the Planning Commission meeting held September 11, 2008
- E. Approval of the Broken Arrow Youth City Council 2008-2009 Schedule of Meetings
- F. Approval of a Special Events Permit for The Assembly at Broken Arrow for their Annual Fall Outreach of Mpac Student Ministries to be held Wednesday, October 22, 2008 from 6:00 to 9:00 p.m., including the closing of Broadway from 1st to 2nd Street and 2nd Street from Broadway to College
- G. Approval of a Special Events Permit for the Main Street Merchants Association for their Annual Fun and Games on Main event to be held Saturday, October 25, 2008 from 6:00 to 8:00 p.m., including the closing of Main Street from Dallas to Broadway
- H. Approval of and authorization to execute Resolution No. 544, a resolution authorizing the City Attorney to agree to Entry of Judgment in the case of City of Broken Arrow, Oklahoma v. Rhonda Lynette Hamilton Baptiste, et al., Tulsa County District Court Case Number CJ-2008-04327 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval
- I. Approval of and authorization to execute Resolution No. 545, a resolution authorizing the City Attorney to agree to Entry of Judgment in the case of The City of Broken Arrow, Oklahoma v. Mary E. Brown, et al., Wagoner County District Court Case Number CJ-2008-736 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval

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3. Roll Call

Philip Tucker. Craig Thurmond. Richard Carter. Mike Lester. Wade McCaleb

Present:

Absent: None

4. Pledge of Allegiance to the Flag

Section Minutes: Broken Arrow Boy Scout Troop 93)3) led those present in the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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Broken Arrow City Council Minutes Page I of 10 October 7. 2009

- J. Approval of and authorization to execute a Financial Advisers Services Agreement with Municipal Finance Services, Inc. for services related to the approval and issuance of General Obligation Bonds in one or more series to be voted on in December 2008
- K. Approval of and authorization to execute a Wrecker Service Agreement between Storey Wrecker Services and the City of Broken Arrow, effective from July 1, 2008 through June 30, 2009
- L. Approval of and authorization to execute Consent Order 08-213 from Oklahoma Department of Environmental Quality (ODEQ) for facility S-20409 and B-20434
- M. Acceptance of Agreement to Subrogate from GreenPoint Mortgage Funding, Inc. for the Rodway and Suzette Brown property (S23, T18N, R14E) (Project: ST0526, New Orleans widening from Elm to Ninth Street)
- N. Approval of bids received and award of the most advantageous to GT Distributors, for ammunition
- O. Approval of Major Change Order No. 1 to Contract S.0102, Lynn Lane Waste Water Treatment Plant Expansion and Belt Filter Press
- P. Approval of Final Acceptance for Public Improvements at Brighton Village
- Q. Approval of Final Acceptance for Public Improvements at Rushbrooke
- R. Approval of PT07-123, Chris Nickel Extended, Amendment No. 1 to Development and License Agreement associated with Conditional Final Plat of Chris Nickel Extended, 3.39 acres, 1 lot, C-H, one-quarter mile west of Aspen Avenue (145th East Avenue), on the north side of the Broken Arrow Expressway (State Highway 51)
- S. Approval of BACP 98 and BAZ 1815, Thermodynamics Expansion, 6.0 acres, Level 6 to Level 7, A-1 to I-H, southwest of Highway 51, one-quarter mile south of Washington Street (91st Street)
- T. Approval of BACP 99 and BAZ 1816, Houston Street Industrial Park, 39.9 acres, Level 6 to Level 7, A-1 to I-H, one-quarter mile east of 9th Street (177th East Avenue/Lynn Lane Road), north of Houston Street (81st Street)
- U. Approval of BAZ 1813 Tulsa Dynaspan, Inc. Expansion, 45.28 acres, 1 lot, A-1, I-L and I-H to I-H, south of Houston Street (81st Street), one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road)
- V. Acceptance of a Temporary Construction Easement from Corey and Denise Wondra (S19 T19N R15E) (Project: Steeplechase Farms Drainage) (SW0713)
- W. Acceptance of a Temporary Construction Easement from Damon and Tracey Arthur (S19 T19N R15E) (Project: Steeplechase Farms Drainage) (SW0713)
- X. Acceptance of a Utility Easement from Corey and Denise Wondra (S19 T19N R15E) (Project: Steeplechase Farms Drainage) (SW0713)
- Y. Acceptance of a Utility Easement from Damon and Tracey Arthur (S19 T19N R15E) (Project: Steeplechase Farms Drainage) (SW0713)
- Z. Acceptance of two Utility Easements from the City of Broken Arrow for the Water Treatment Plant and the Lynn Lane Waste Water Treatment Plant
- AA. Approval of the Claims List

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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. Appeal: Consideration and possible action on the Planning Commission denial of BACP 96, Elm Ridge Crossing, 77.39 acres, A-1, Level 2 to Level 3 and Level 4, southeast corner of Elm Place (161st East Avenue) and Omaha Street (51st Street)

Item Minutes: Farhad Daroga presented this item consistent with the Fact Sheet provided in the agenda packet. Mayor McCaleb called the applicant forward to speak. Attorney, Roy Johnson, stated that he represented the applicant, Brown and Perkins, L.L.C. Mr. Johnson said he could save Council time by simply requesting on behalf of the applicant that Council send this item back to the Planning Commission. Mayor McCaleb asked those citizens who had requested to speak if they still wished to speak tonight or if they preferred to wait to speak at the Planning Commission meeting. All citizens who requested to speak regarding this item stated they preferred to waive their request to speak before Council at tonight's meeting, and that they would speak at the Planning Commission meeting. Mayor McCaleb said that approximately 115 citizens turned in requests not to speak but instead requested to record their opposition to this item. Mr. Roger Finn, 720 West Helena Street, said he would speak at the Planning Commission and collected the map exhibits he provided to Council so he could present them to the Planning Commission. The Mayor said that, because this item would not be heard by Council this evening, the requests would be turned over to the City Clerk. Vice Mayor Lester moved to return the item to the Planning Commission for reconsideration.

Motion:	Move to return item 7A Appeal: Consideration and possible action on the Planning Commission denial of BACP 96, Elm Ridge Crossing, 77.39 acres, A-1, Level 2 to Level 3 and Level 4, southeast corner of Elm Place (161st East Avenue) and Omaha Street (51st Street) to the Planning Commission for further consideration
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 on General Topics Related to City Business or Services (approximately 7:00 p.m.)

Section Minutes: There were no requests to address Council on general topics.

9. General Council Business

- A. Consideration and possible appointment of Keith Roberson to the Convention and Visitors' Bureau to fill a vacancy created by the resignation of Kim Piper whose term expires September 2010

Item Minutes: Mayor McCaleb said that Vice Mayor Lester made the nomination at the September 16, 2008 Council meeting. Vice Mayor Lester said Mr. Roberson was eager to serve.

Motion: Move to approve the Consent Agenda as presented.

Motion b Mike Lester

Second b 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 ryas taken.

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Motion b Mike Lester

Second b Richard Carter

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

Nays: None

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

Section Minutes: There were no requests to address Council on general topics.

9. General Council Business

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Item Minutes: Mayor McCaleb said that Vice Mayor Lester made the nomination at the September 16.

2008 Council meeting. Vice Mayor Lester said Mr. Roberson was eager to serve.
Broken Arrow City Council Minutes Page 3 of 10 October 7, 2009

Motion:	Move to appoint Keith Roberson to the Convention and Visitors' Bureau to fill a vacancy created by the resignation of Kim Piper whose term expires September, 2010
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

B. Consideration and appointment of members to the Youth City Council for the 2008-2009 school year

Item Minutes: Mayor McCaleb asked for each Councilmember to name the student selected from his respective ward to serve as interns on the 2008-2009 Youth City Council. The students selected are as follows:

Wards Represented	Existing Appointee	New Intern
Ward 1 Richard Carter	Chenese Rosebrock	Kaitlyn Swinney
Ward 2 Craig Thurmond	Allie Mitchell	Ruth Torluemke
Ward 3 Mike Lester	Cody Merrill	Keagan Morgan
Ward 4 Philip Tucker	Justin Langston	Madeliene Pritner
At-Large Wade McCaleb	Alejandro Tavizon	Jessica Johnson

Motion:	Move to appoint the selected students to serve as interns on the Broken Arrow Youth City Council for the 2008-2009 school year
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

C. Consideration and possible approval to reduce the Extended Stay hotels from 90 days to 31+ days, in the Broken Arrow Code of Ordinances Section 22-0111

Item Minutes: City Manager, Jim Twombly, presented this item in accordance with the fact sheet provided in the agenda packet. In response to Council questions, Mr. Twombly explained that the current 90 day occupancy is preventing Broken Arrow hotels to be competitive in the current market. He said the reduction to 31 consecutive days was in line with surrounding communities. Councilman Carter moved to approve and Councilman Tucker seconded. City Attorney, Beth Anne Wilkening, recommended that the motion be recalled and the Council make a motion directing the City Attorney to place this item on the next Council agenda for adoption.

Councilman Carter recalled the original motion and moved to direct the City Attorney to place this item on the next City Council agenda for adoption.

Motion:	Move to direct the City Attorney to place this item on the next City Council Agenda for adoption
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion: Move to appoint Keith Roberson to the Convention and Visitors' Bureau to fill a vacancy created by the resignation of Kim Piper whose term expires September, 2010

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

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Consideration and appointment of members to the Youth City Council for the 2008-2009 school year

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Ward 2 Craig Thurmond Allie Mitchell Ruth Torluemke

Ward 3 Mike Lester Cody Merrill Kcagan Morgan

Ward 4 Philip Tucker Justin Langston Madeliene Pritner

At-Large Wade McCaleb Alejandro Tayizon Jessica Johnson

Motion: Move to appoint the selected students to serve as interns on the Broken Arrow Youth City Council for the 2008-2009 school year

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

C. Consideration and possible approval to reduce the Extended Stay hotels from 90 days to 31+ days. in the Broken Arrow Code of Ordinances Section 22-0111

Item Minutes: City Manager. Jim Twombly. presented this item in accordance with the fact sheet provided in the agenda packet. In response to Council questions. Mr. Twombly explained that the current 90 day occupancy is preventing Broken Arrow hotels to be competitive in the current market. He said the reduction to 31 consecutive days was in line with surrounding communities. Councilman Carter moved to approve and Councilman Tucker seconded. City Attorney. Beth Anne Wilkening. recommended that the motion be recalled and the Council make a motion directing the Cite Attorney to place this item on the nest Council agenda for adoption.

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Motion: Move to direct the City Attorney to place this item on the next City Council Agenda for adoption

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

- D. Consideration and designation of voting and alternate voting delegates for the National League of Cities annual business meeting

Item Minutes: Mayor McCaleb said that, due to budget constraints, there is no city travel at this time. He said that Councilman Thurmond will be attending the National League of Cities meeting as a member of another organization and it would be advantageous to designate Councilman Thurmond as the voting delegate for the City Council at the NLC meeting. Mayor McCaleb asked for a motion to designate Councilman Thurmond as the voting delegate on behalf of the City Council.

Motion:	Move to designate Council Craig Thurmond as the voting delegate representing the Broken Arrow City Council at the National League of Cities annual business meeting.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None
Abstain:	Craig Thurmond

- E. Consideration, possible approval of and authorization to execute Resolution No. 547, a resolution establishing the necessity of improvements to stormwater systems of Steeplechase Farms and Amended Glen Eagles subdivisions, adopting and approving the Municipal Engineer's preliminary plans, preliminary estimate and assessment plat, declaring the work of the improvement necessary to be done and establishing a hearing on the proposed improvements

Item Minutes: Assistant City Manager, Dave Wooden, presented this item in accordance with the fact sheet provided in the agenda packet.

Motion:	Move to approve and authorize the execution of Resolution No. 547, a resolution establishing the necessity of improvements to stormwater systems of Steeplechase Farms and Amended Glen Eagles subdivisions, adopting and approving the Municipal Engineer's preliminary plans, preliminary estimate and assessment plat, declaring the work of the improvement necessary to be done and establishing a hearing on the proposed improvements
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- F. Consideration, possible approval of and authorization to execute an Architectural Engineering contract with Mike Hughes Architects, PC, for design of the Broken Arrow Conference Center

Item Minutes: Mr. Wooden presented this item consistent with the fact sheet provided in the agenda packet.

Motion:	Move to approve and authorize the execution of an Architectural Engineering Contract with Mike Hughes Architects, PC, for design of the Broken Arrow Conference Center
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- G. Consideration, possible approval of and authorization to execute the Special Election Proclamation and Notice of the December 9, 2008, Bond Election

Item Minutes: Ms. Wilkening presented this item consistent with the fact sheet provided in the agenda packet. She stated that, as discussed at previous special meetings during which Council reviewed

D. Consideration and designation of voting and alternate voting delegates for the National League of Cities annual business meeting

Item Minutes: Mayor McCaleb said that, due to budget constraints, there is no city travel at this time. He said that Councilman Thurmond will be attending the National League of Cities meeting as a member of another organization and it would be advantageous to designate Councilman Thurmond as the Noting delegate for the City Council at the NLC meeting. Mayor McCaleb asked for a motion to designate Councilman Thurmond as the Noting delegate on behalf of the City Council.

Motion: Move to designate Council Craig Thurmond as the voting delegate representing the Broken Arrow City Council at the National League of Cities annual business meeting.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

Abstain: Craig Thurmond

E. Consideration, possible approval of and authorization to execute Resolution No. 547, a resolution establishing the necessity of improvements to stormwater systems of Steeplechase Farms and Amended Glen Eagles subdivisions, adopting and approving the Municipal Engineer's preliminary plans, preliminary estimate and assessment plat, declaring the work of the improvement necessary to be done and establishing a hearing on the proposed improvements

Item Minutes: Assistant City Manager, Dave Wooden, presented this item in accordance with the fact sheet provided in the agenda packet.

Motion: Move to approve and authorize the execution of Resolution No. 547, a resolution establishing the necessity of improvements to stormwater systems of Steeplechase Farms and Amended Glen Eagles subdivisions, adopting and approving the Municipal Engineer's preliminary plans, preliminary estimate and assessment plat, declaring the work of the improvement necessary to be done and establishing a hearing on the proposed improvements

Motion b Mike Lester

Second b Philip Tucker

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

Nays: None

F.

Consideration, possible approval of and authorization to execute an Architectural Engineering contract with Mike Hughes Architects, PC, for design of the Broken Arrow Conference Center

Item Minutes: Mr. Wooden presented this item consistent with the fact sheet provided in the agenda packet.

Motion: Move to approve and authorize the execution of an Architectural Engineering Contract with Mike Hughes Architects, PC, for design of the Broken Arrow

Conference Center

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

G.

Consideration. possible approval of and authorization to execute the Special Election

Proclamation and Notice of the December 9, 2008. Bond Election

Item Minutes: Ms. Wilkening presented this item consistent with the fact sheet provided in the agenda packet. She stated that, as discussed at previous special meetings during which Council reviewed

Broken Arrow City Council Minutes Page 5 of 10 October 7, 2009

proposed projects for the general bond election, this item was the proclamation and notice that would be published to provide notice of the December 9, 2008 general bond election covering propositions 1-4.

Motion:	Move to approve and authorize the execution of the Special Election Proclamation and Notice of the December 9, 2008, Bond Election
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 Resolution No. 546, a resolution submitting to the voters of the City of Broken Arrow at a Special Election to be held on December 9, 2008, Ordinance No. 2986 of the City of Broken Arrow approving the acquisition, construction, equipping and furnishing of a new fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing of a new fire department training tower and a police department shoot house and acquisition of a public safety driving simulator to be located at the City Public Safety Training Center

Item Minutes: Ms. Wilkening asked that Mr. Wooden present the background on this item. Mr. Wooden presented the background and details consistent with the fact sheet provided in the agenda packet. He summarized the key points saying that that on May 11, 2004, the citizens of Broken Arrow approved a general bond project for a building that combined the Emergency Operations Center (EOC), Fire Station Number 2 (FS#2) and the Fire Department Headquarters.

Mr. Wooden added that following the election, further evaluation of the cost of the proposed projects, additional review of response times for fire and EMS runs, and development in the northern part of the City resulted in the determination that the proposed location for the EOC and Relocated Fire Station would result in an increased response time and, that in place of moving FS#2, the city should construct a new fire station in the northern portion of the city.

Mr. Wooden stated that on September 5, 2005, the citizens of Broken Arrow approved a modification to the May 11, 2004 General Bond Issue and authorized the acquisition, construction, equipping and furnishing of a new emergency operation center adjacent to the existing Broken Arrow Police Department headquarters and a new fire station in north Broken Arrow. He said that, as a result, Fire Station #6 was recently constructed on the Southwest corner of Nienhuis Park adjacent to 9th Street. Mr. Wooden said the total cost for this project was \$4,000,000.00, leaving \$3,500,000.00 of the 2004 bond proceeds for the emergency operations center.

Mr. Wooden said that since the election of September 5, 2005, the City of Broken Arrow was informed that it will receive the Armed Services Reserve Center (AFRC) Broken Arrow, located at 1101 North 6th Street, Broken Arrow, Oklahoma. He added that in response, the City Council established a Local Redevelopment Authority (LRA) on May 1, 2006, to determine potential uses for this facility.

Mr. Wooden stated that on May 11, 2004, the citizens of Broken Arrow also approved \$2,050,000 for the acquisition, construction, equipping and furnishing a new fire station. He explained that the City would not have possession of the AFRC facility until 2011 but it is expected that alterations to the current structures would cost approximately six (6) million dollars. He said staff recommended that the \$2,050,000 for the new fire station be used instead for construction, equipping and furnishing a Fire Department Training Tower and a Police Department Shoot House, and acquisition of a Public Safety Driving Simulator.

proposed projects for the general bond election. this item was the proclamation and notice that would be published to provide notice of the December 9, 2008 general bond election covering propositions 1-4.

Motion: Move to approve and authorize the execution of the Special Election

Proclamation and Notice of the December 9, 2008, Bond Election

Motion b Mike Lester

Second b Craig Thurmond

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

Nays: None

H. Consideration. possible approval of and authorization to execute Resolution No. 546. a resolution submitting to the voters of the City of Broken Arrow at a Special Election to be held on December 9, 2008. Ordinance No. 2986 of the City of Broken Arrow approving the acquisition. construction. equipping and furnishing of a new fire station to replace an existing fire station and to be located in central Broken Arrow. and construction. equipping and furnishing of a new fire department training toyer and a police department shoot house and acquisition of a public safety driving simulator to be located at the City Public Safety Training Center

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Mr. Wooden added that following the election, further evaluation of the cost of the proposed projects, additional review of response times for fire and EMS runs, and development in the northern part of the City resulted in the determination that the proposed location for the EOC and Relocated Fire Station would result in an increased response time and, that in place of moving FS#2, the city should construct a new fire station in the northern portion of the city.

Mr. Wooden stated that on September 5, 2005, the citizens of Broken Arrow approved a modification to the May 11, 2004 General Bond Issue and authorized the acquisition, construction, equipping and furnishing of a new emergency operation center adjacent to the existing Broken Arrow Police Department headquarters and a new fire station in north Broken Arrow. He said that, as a result, Fire Station #6 was recently constructed on the Southwest corner of Nienhuis Park adjacent to 9^oi Street. Mr. Wooden said the total cost for this project was \$4,000,000.00, leaving \$3,500,000.00 of the 2004 bond proceeds for the emergency operations center.

Mr. Wooden said that since the election of September 5, 2005, the City of Broken Arrow was informed that it will receive the Armed Services Reserve Center (AFRC) Broken Arrow, located at 1101 North 6^oi Street, Broken Arrow, Oklahoma. He added that in response, the City Council established a Local Redevelopment Authority (LRA) on May 1, 2006, to determine potential uses for this facility.

Mr. Wooden stated that on May 11, 2004, the citizens of Broken Arrow also approved \$2,050,000 for the acquisition, construction, equipping and furnishing a new fire station.

He explained that the City would not have possession of the AFRC facility until 2011 but it is expected that alterations to the current structures would cost approximately six (6) million dollars. He said staff recommended that the \$2,050,000 for the new fire station be used instead for construction, equipping and furnishing a Fire Department Training Tower and a Police Department Shoot House, and acquisition of a Public Safety Driving Simulator.

Broken Arrow City Council Minutes Page 6 of 10 October 7, 200

Mr. Wooden said all of these improvements would be located at the Public Safety Training Center, and he added that staff also recommends that the \$3,500,000 for the emergency operations center be utilized to acquire, construct, equip and furnish a new fire station to replace Station Number 2.

Motion:	Move to approve and authorize execution of Resolution No. 546, a resolution submitting to the voters of the City of Broken Arrow at a Special Election to be held on December 9, 2008, Ordinance No. 2986 of the City of Broken Arrow approving the acquisition, construction, equipping and furnishing of a new fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing of a new fire department training tower and a police department shoot house and acquisition of a public safety driving simulator to be located at the City Public Safety Training Center
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker. Craig Thurmond. Richard Carter. Mike Lester. Wade McCaleb
Nays:	None

- I. Consideration and possible approval of Budget Amendment No. 4 authorizing the transfer of \$36,700.00 to the Broken Arrow Economic Development Authority for Assignments of Purchase and Sales Contracts with the Broken Arrow Development Corporation for the purchase of approximately 46 acres

Item Minutes: Ms. Wilkening presented this item consistent with the fact sheet provided in the agenda packet.

Motion:	Move to approve of Budget Amendment No. 4 authorizing the transfer of \$36,700.00 to the Broken Arrow Economic Development Authority for Assignments of Purchase and Sales Contracts with the Broken Arrow Development Corporation for the purchase of approximately 46 acres
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker. Craig Thurmond. Richard Carter. Mike Lester. Wade McCaleb
Nays:	None

10. City Manager's Report

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

11. Preview Ordinances

- A. An ordinance creating Chapter 7, Article VI, Section 7-132, Massage Establishments Penalty, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency
- B. An ordinance repealing Chapter 7, Article VI, Section 7-130 of the Broken Arrow Code pertaining to Massages as Employee Benefit on Periodic Basis; and declaring an emergency
- C. An ordinance amending Chapter 7, Article VI, Section 7-120 of the Broken Arrow Code pertaining to Massage Applications; repealing all ordinances to the contrary; and declaring an emergency
- D. An ordinance amending Chapter 7, Article VI, Section 7-126 of the Broken Arrow Code pertaining to Revocation and Suspension; repealing all ordinances to the contrary; and declaring an emergency

Section Minutes: Ms. Wilkening presented the preview ordinances and recommended taking all four together.

Mr. Wooden said all of these improvements would be located at the Public Safety Training Center, and he added that staff also recommends that the \$3,500,000 for the emergency operations center be utilized to acquire, construct, equip and furnish a new fire station to replace Station Number 2.

Motion: Move to approve and authorize execution of Resolution No. 546, a resolution submitting to the voters of the City of Broken Arrow at a Special Election to be held on December 9, 2008, Ordinance No. 2986 of the City of Broken Arrow approving the acquisition, construction, equipping and furnishing of a new fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing of a new fire department training tower and a police department shoot house and acquisition of a public safety driving simulator to be located at the City Public Safety Training Center

Motion b Mike Lester

Second b Craig Thurmond

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

Nays: None

Consideration and possible approval of Budget Amendment No. 4 authorizing the transfer of 36,700.00 to the Broken Arrow Economic Development Authority for Assignments of Purchase and Sales Contracts with the Broken Arrow Development Corporation for the purchase of approximately 46 acres

Item Minutes: Ms. Wilkening presented this item consistent with the fact sheet provided in the agenda packet.

Motion: Move to approve of Budget Amendment No. 4 authorizing the transfer of \$36,700.00 to the Broken Arrow Economic Development Authority for Assignments of Purchase and Sales Contracts with the Broken Arrow Development Corporation for the purchase of approximately 46 acres

Motion b Mike Lester

Second b Craig Thurmond

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

Nays: None

10. City Manager's Report

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

11. Preview Ordinances

A. An ordinance creating Chapter 7. Article VI. Section 7-1 32. Massage Establishments Penalty. of the Broken Arrow Code: repealing all ordinances to the contrary: and declaring an emergency

B. An ordinance repealing Chapter 7. Article VI. Section 7-1 30 of the Broken Arrow Code pertaining to Massages as Employee Benefit on Periodic Basis: and declaring an emergency

C. An ordinance amending Chapter 7. Article VI. Section 7-120 of the Broken Arrow Code pertaining to Massage Applications: repealing all ordinances to the contrary: and declaring an emergency

D. An ordinance amending Chapter 7. Article VI. Section 7-126 of the Broken Arrow Code pertaining to Revocation and Suspension: repealing all ordinances to the contrary: and declaring an emergency

Section Minutes: Ms. Wilkening presented the preview ordinances and recommended taking all four

together.

Broken Arrow City Council Minutes Page 7 of 10 October 7, 2009

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

12. Ordinances

- A. Amended Ordinance No. 2985 - an ordinance amending Chapter 8, Cemeteries, Sections 8-22, 8-29, 8-30, and 8-36 of the Broken Arrow Code (charges for sale of lots and spaces for services); repealing all ordinances to the contrary and declaring an emergency

Motion:	Move to approve Ordinance No. 2985
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance No. 2985
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- B. Ordinance No. 2986 - an ordinance not to be codified, authorizing the calling and holding of an election in the City of Broken Arrow, Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of whether the purpose of a portion of the \$12,770,000 public safety utility bonds approved by the voters on May 11, 2004, can be amended to allow for the acquisition, construction, equipping and furnishing of a fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing a fire department training tower and a police department shoot house, and acquisition of a public safety driving simulator, all to be located at the City Public Safety Training Center; verifying the election is called by Resolution requesting the Tulsa County Election Board to conduct said election and declaring an emergency

Motion:	Move to approve Ordinance No. 2986
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance No. 2986
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- C. Ordinance No. 2988 - an ordinance not to be codified, authorizing the calling and holding of an Election in the City of Broken Arrow, Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of the issuance of the Bonds of said City in amounts not to exceed the following sums: \$15,335,000 for the purpose of constructing, reconstructing, improving and repairing streets within said city; \$7,100,000 for the purpose of purchasing, constructing and repairing public safety utilities to be owned exclusively by said city; \$12,740,000 for the purpose of purchasing, constructing, and repairing parks and recreation utilities to be owned exclusively by said City; and \$3,300,000 for the purpose of constructing, reconstructing, improving and repairing the

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

Motion b Richard Carter

Second b Mike Lester

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

Nays: None

12. Ordinances

A. Amended Ordinance No. 2985 an ordinance amending Chapter 8. Cemeteries. Sections 8-22. 8-29. 8-30. and 8-36 of the Broken Arrow Code charges for sale of lots and spaces for services): repealing all ordinances to the contrary and declaring an emergency

Motion: Move to approve Ordinance No. 2985

Motion b Mike Lester

Second b Philip Tucker

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

Nays: None

Motion: Move to adopt the Emergency Clause of Ordinance No. 2985

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

B. Ordinance No. 2986 an ordinance not to be codified. authorizing the calling and holding of an election in the City of Broken Arrow. Oklahoma. for the purpose of submitting to the registered qualified electors of said City the question of whether the purpose of a portion of the 612.770.000 public safety utility bonds approved by the voters on May 11. 2004. can be amended to allow for the acquisition. construction. equipping and furnishing of a fire station to replace an existing fire station and to be located in central Broken Arrow. and construction. equipping and furnishing a fire department training toyer and a police department shoot house. and acquisition of a public safety driving simulator. all to be located at the City Public Safety Training Center: verifying the election is called by Resolution requesting the Tulsa County Election Board to conduct said election and declaring an emergency

Motion: Move to approve Ordinance No. 2986

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause of Ordinance No. 2986

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

C. Ordinance No. 2988 an ordinance not to be codified. authorizing the calling and holding of an Election in the City of Broken Arrow. Oklahoma. for the purpose of submitting to the registered

qualified electors of said City the question of the issuance of the Bonds of said City in amounts not to exceed the following sums: \$15.3 5.000 for the purpose of constructing. reconstructing. improving and repairing streets within said city: 67.100.000 for the purpose of purchasing. constructing and repairing public safety utilities to be owned exclusively by said city: 612.740.000 for the purpose of purchasing. constructing. and repairing parks and recreation utilities to be owned exclusively by said City: and \$' 300.000 for the purpose of constructing. reconstructing. improving and repairing the
Broken Arrow City Council Minutes Page 9 of, 10 October 7. 200

City's stormwater system; all of the foregoing amounts including costs of issuance; levying and collecting an annual tax in addition to all other taxes, upon all the table property in said City for the payment of interest on and principal of said bonds; authorizing the Mayor to call the election by proclamation and requesting the Tulsa County Election Board to conduct said election and declaring an emergency

Motion:	Move to approve Ordinance No. 2988
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Richard Carter, Mike Lester, Craig Thurmond, Philip Tucker, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance No. 2988
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- D. Ordinance No. 2989 - an ordinance amending Chapter 22, Article V, Sections 22-75 through 22-80, of the Broken Arrow Code pertaining to Use Tax (9-1-1 Emergency Services); repealing all ordinances to the contrary; and declaring an emergency

Motion:	Move to approve Ordinance No. 2989
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance No. 2989
Motion by:	Craig Thurmond
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 comments.

Vice Mayor Lester moved to recess at 7:36 p.m. to enter into BAMA

Motion:	Move to recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.
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 session at the noted time of 7:42 p.m. following the BAMA and BAEDA meetings.

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

City's stormwater system: all of the foregoing amounts including costs of issuance: levying and collecting an annual tax in addition to all other taxes. Upon all the table property in said Cite for the payment of interest on and principal of said bonds: authorizing the Mayor to call the election by proclamation and requesting the Tulsa County Election Board to conduct said election and declaring an emergency

Motion: Move to approve Ordinance No. 2988

Motion b Richard Carter

Second b Mike Lester

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

Nays: None

Motion: Move to adopt the Emergency Clause of Ordinance No. 2988

Motion b Richard Carter

Second b Mike Lester

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

Nays: None

D. Ordinance No. 2989 an ordinance amending Chapter 22. Article V. Sections 22-75 through 22-80. of the Broken Arrow Code pertaining to Use Tax 9-I-I (Emergency Services): repealing all ordinances to the contrary: and declaring an emergency

Motion: Move to approve Ordinance No. 2989

Motion b Mike Lester

Second b Philip Tucker

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

Nays: None

Motion: Move to adopt the Emergency Clause of Ordinance No. 2989

Motion b Craig Thurmond

Second b 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 comments.

Vice Mayor Lester moved to recess at 7:36 p.m. to enter into BAMA

Motion: Move to recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.

Motion b Mike Lester

Second b Craig Thurmond

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 7:42 p.m. following the BAMA and BAEDA meetings.

Motion: Move to take a short break prior to entering into Executive Session.

Motion b Mike Lester

Second b Philip Tucker

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

Nays: None

Broken Arrow City Council Minutes Page 9 of, 10 October 7. 2009

The Mayor reconvened the regular session at 7:53 p.m.

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

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on contract negotiations concerning the Haikey Creek Wastewater Plant, Contract Negotiations with OOWA, and contract negotiations with IAFF and FOP employee groups, all under 25 O.S. § 307(B)(2); and litigation concerning The City of Broken Arrow v. Linda L. Ranson-Jabos, et al., Wagoner County District Court Case Number CV-2008-785 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 and potential litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:05 p.m.

Motion:	Move to ratify the filing of a Demand for Jury Trial in the City of Broken Arrow v. Linda L. Ranson-Jacobs, et al.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

No further action was taken.

15. **Adjournment**

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

The meeting was adjourned at the noted time of 8:08 p.m.

Mayor

City Clerk

The Mayor reconvened the regular session at 7:53 p.m.

Motion: Move to enter into Executive Session.

Motion b Craig Thurmond

Second b 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 contract negotiations concerning the Haikey Creek Wastewater Plant, Contract Negotiations with OOWA, and contract negotiations with IAFF and FOP employee groups, all under 25 O.S. 307(B)(2); and litigation concerning The City of Broken Arrow N. Linda L. Ranson-Jabos, et al., Wagoner County District Court Case Number CV-2008-785 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 and potential litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:05 p.m.

Motion: Move to ratify the filing of a Demand for Jury Trial in the City of Broken Arrow v. Linda L. Ranson-Jacobs, et al.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

No further action was taken.

15. Adjournment

Motion: Move to adjourn.

Motion b Craig Thurmond

Second b Mike Lester

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

Nays: None

The meeting was adjourned at the noted time of 8:08 p.m.

Mayor

City Clerk

Broken Arrow City Council Minutes Page 10 of 10 October 7, 2009