

BROKEN ARROW CITY COUNCIL MINUTES

September 16, 2008

**DRAFT**

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, September 16, 2008, at 6:30 p.m.

1. **Call to Order**

**Section Minutes:** Mayor McCaleb called the meeting to order at the noted time of 6:36 p.m.

2. **Invocation**

**Section Minutes:** Reverend Charles Allison delivered the invocation.

3. **Roll Call**

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

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

**Section Minutes:** Vice Mayor Lester led those present in the Pledge of Allegiance to the Flag.

5. **Consideration of Consent Agenda**

**Section Minutes:** The Mayor introduced the Consent Agenda.

- A. Approval of the regular meeting minutes of September 2, 2008
- B. Approval of the special meeting minutes of September 10, 2008
- C. Acceptance of the minutes of the Planning Commission meeting held August 28, 2008
- D. Ratification of a proclamation declaring September through December 2008 as "The Pride of Broken Arrow Marching Band Season" in the City of Broken Arrow
- E. Approval of a Special Events Permit for the Broken Arrow High School Annual Homecoming Parade to be held Thursday, October 2, 2008 at 4:00 p.m., including the closing of Main Street from College to Ft. Worth
- F. Approval of and authorization to execute an agreement between the City of Broken Arrow and Youth Services of Tulsa County, Inc., for counseling services and crisis intervention to the youth in Broken Arrow for the term July 1, 2008 through June 30, 2009
- G. Approval of bid received and award of the most advantageous bid to Blackboard Connect-CTY for an Emergency Notification System
- H. Approval of Final Acceptance for Public Improvements in Lochmere IV at Forest Ridge
- I. Approval of Final Acceptance for Public Improvements in Venture 777 Subdivision
- J. Approval of PT07-124, Conditional Final Plat for Sierra, 20.53 acres, 3 lots, RM, PUD 177, south and west of the southwest corner of Aspen Avenue (145th East Avenue) and Omaha Street (51st Street)
- K. Approval of SP 228, Chris Nikel Extended, 21.34 acres, CH, west of Aspen Avenue (145th East Avenue), north of the Broken Arrow Expressway at 2920 North Aspen Avenue

## BROKEN ARROW CITY COUNCIL MINUTES

September 16, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, September 16, 2008, at 6:30 p.m.

### 1. Call to Order

Section Minutes: Mayor McCaleb called the meeting to order at the noted time of 6:36 p.m.

### 2. Invocation

Section Minutes: Reverend Charles Allison 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: Vice Mayor Lester led those present in the Pledge of Allegiance to the Flag.

### 5. Consideration of Consent Agenda

Section Minutes: The Mayor introduced the Consent Agenda.

A. Approval of the regular meeting minutes of September 2, 2008

B. Approval of the special meeting minutes of September 10, 2008

C. Acceptance of the minutes of the Planning Commission meeting held August 28, 2008

D. Ratification of a proclamation declaring September through December 2008 as "The Pride of Broken Arrow Marching Band Season" in the City of Broken Arrow

E. Approval of a Special Events Permit for the Broken Arrow High School Annual Homecoming Parade to be held Thursday, October 2, 2008 at 4:00 p.m., including the closing of Main Street from College to Ft. Worth

F. Approval of and authorization to execute an agreement between the City of Broken Arrow and Youth Services of Tulsa County, Inc., for counseling services and crisis intervention to the youth in Broken Arrow for the term July 1, 2008 through June 30, 2009

G. Approval of bid received and award of the most advantageous bid to Blackboard Connect-CTY for an Emergency Notification System

H. Approval of Final Acceptance for Public Improvements in Lochmere IV at Forest Ridge

1. Approval of Final Acceptance for Public Improvements in Venture 777 Subdivision

J. Approval of PT07-124. Conditional Final Plat for Sierra. 20.53 acres. 3 lots. RM. PUD 177. south and west of the southwest corner of Aspen Avenue 145th East Avenue) and Omaha Street 51st Street)

K. Approval of SP 228. Chris Nikel Extended. 21.34 acres. CH. west of Aspen Avenue 145th East Avenue). north of the Broken Arrow Expressway at 2920 North Aspen Avenue

Broken Arrow Cit Council Minutes Page I of s September 16, 2009

- L. Acceptance of a Temporary Construction Easement from Gerald and Linda Godfrey (S9T18NR14E) (Project: N&S Olive Ave between Houston & Kenosha Ave)
- M. Acceptance of a Deed of Dedication and a Utility Easement from Wagoner County Rural Water District No. 4 (S29 T19N R15E) (Project: Dearborn Set DN07-122 Specific Use 222)
- N. Acceptance of a General Warranty Deed from Mikel and Kathryn Crews Family Trust (S9T18NR18E) (Project: N&S Olive Ave Between Houston & Kenosha-ST0524)
- O. Acceptance of a General Warranty Deed from Gerald and Linda Godfrey (S9T18NR14E) (Project: N&S Olive Ave between Houston & Kenosha-ST0524)
- P. Acceptance of a General Warranty Deed from Memorial Drive, LLC (S31T19NR15E) (Project: Intersection Improvements Omaha St & N 23rd St)
- Q. Approval of the Claims List

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

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

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

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

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

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

**Section Minutes:** Mayor McCaleb said Council would take Item 9A since it was not yet 7:00 p.m.

**8. General Council Business**

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

**Item Minutes:** Mayor McCaleb said this nomination was made by Vice Mayor Lester. Vice Mayor Lester provided a brief background about Mr. Roberson, noting he is with the Clarion Hotel. City Attorney, Beth Anne Wilkening, said this vote would approve the nomination and the appointment would be on the October 7, 2008 agenda.

|                   |  |
|-------------------|--|
| <b>Motion:</b>    | <b>Move to nominate Keith Roberson to fill a vacancy on the Convention and Visitors' Bureau.</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. Consideration and possible approval of BAZ 1812, Forest Hills Commercial Center, 7.20 acres, 1 lot, A-1 to CG, northwest corner of Oneta Road (241st East Avenue) and Kenosha Street (71st Street)

L. Acceptance of a Temporary Construction Easement from Gerald and Linda Godfrey S9TI8NRI4E) Project: N&S Olive Ave between Houston & Kenosha Aye)

Q.

M. Acceptance of a Deed of Dedication and a Utility Easement from Wagoner County Rural Water District No. 4 S29 TI9N RI5E) Project: Dearborn Set DN07-122 Specific Use 222)

N. Acceptance of a General Warranty Deed from Mikel and Kathryn Crews Family Trust S9TI8NRI8E) Project: N&S Olive Aye Between Houston & Kenosha-ST0524)

O. Acceptance of a General Warranty Deed from Gerald and Linda Godfrey S9TI8NRI4E) Project: N&S Olive Ave between Houston & Kenosha-ST0524)

P. Acceptance of a General Warranty Deed from Memorial Drive. LLC S3ITI9NRI5E) Project: Intersection Improvements Omaha St & N 2' rd St)

Approval of the Claims List

Motion: Move to approve the Consent Agenda as submitted.

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.

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

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

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

Section Minutes: Mayor McCaleb said Council would take Item 9A since it was not yet 7:00 p.m.

8. General Council Business

A. Consideration and possible nomination of Keith Roberson to fill a vacancy on the Convention and Visitors' Bureau created by the resignation of Kim Piper. NN hose term expires September 2010

Item Minutes: Mayor McCaleb said this nomination was made by Vice Mayor Lester. Vice Mayor Lester provided a brief background about Mr. Roberson. noting he is with the Clarion Hotel. City

Attorney. Beth Anne Wilkening. said this vote would approve the nomination and the appointment would be on the October 7. 2008 agenda.

Motion: Move to nominate Keith Roberson to fill a vacancy on the Convention and Visitors' Bureau.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

B. Consideration and possible approval of BAZ 18 12. Forest Hills Commercial Center. 7.20 acres. I lot. A- I to CG. northwest corner of Oncta Road 24 1st East Avenue) and Kenosha Street 71st

Street)

Broken Arrow City Council Minutes Page 2 ot'8 September 16. 200



**Item Minutes:** Planning Department Manager, Farhad Daroga, presented this item consistent with the fact sheet provided in the agenda packet.

|                   |  |
|-------------------|--|
| <b>Motion:</b>    | <b>Move to approve BAZ 1812 as recommended by the Planning Commission and Staff.</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   |

- C. Consideration and possible approval of PUD 190 and BAZ 1805, 5.71 acres, R-1 and R-3, south of Washington Street (91st Street), one-quarter to one-half mile west of Elm Place (161st East Avenue)

**Item Minutes:** Mr. Daroga presented this item consistent with the fact sheet provided in the agenda packet. Mr. Daroga said there were two adjoining residents who spoke about storm water problems in the area and were opposed to this project.

Councilman Carter said he had concerns that flooding would be worsened and said he would vote no.

|                   |  |
|-------------------|--|
| <b>Motion:</b>    | <b>Move to approve PUD 190 and BAZ 1805 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, Mike Lester, Wade McCaleb   |
| <b>Nays:</b>      | Richard Carter   |

- D. Consideration, possible approval of and authorization to execute a design contract with Design Workshop, Inc. for the Eastside Study design guidelines

**Item Minutes:** City Manager Jim Twombly presented this item consistent with the fact sheet provided with the agenda. He briefly reviewed the information saying that 14 firms responded to the Request for Qualifications for East Side Development Design Guidelines that was issued in May, 2008 and, after the evaluation process was completed, Design Workshop, Inc., of Austin, Texas was selected as the best qualified firm. He said Design Workshop, Inc. has offices nationally and has extensive experience preparing design guidelines for similar projects. Mr. Twombly explained that this project will be done by three Planners and Architects from their Austin office, with input from other professionals. The consultant team has extensive experience.

Mr. Twombly said that the team will work with the Steering Committee and City staff, and the steering committee will be comprised of all City Council members, all Planning Commission members and other members of the consultant selection committee. Mr. Twombly said the cost of the proposed contract is for \$107,900.00 (\$99,900.00 basic services and \$8,000 for reimbursable expenses) and is 180 calendar days in duration. He said the funding for this project will be from the Sales Tax Capital Improvement (STCI) fund, and if approved by the City Council, the first "Kick-Off" meeting is anticipated in early October.

|                   |   |
|-------------------|---|
| <b>Motion:</b>    | <b>Move to approve and authorize the execution of a planning design contract with Design Workshop Inc., for the East Side Study Area.</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  |

Upon concluding business for Item 9D, Mayor McCaleb said Council would now return to Item 8 as it was almost 7:00 p.m.

Item Minutes: Planning Department Manager. Farhad Daroga. presented this item consistent with the fact sheet provided in the agenda packet.

Motion: Move to approve BAZ 1812 as recommended by the Planning Commission and Staff.

Motion b Richard Carter

Second b Mike Lester

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

Nays: None

C.

Consideration and possible approval of PUD 190 and BAZ 1805. 5.71 acres. R-I and R-3. south of Washington Street 91st Street). one-quarter to one-half mile west of Elm Place 161st East Avenue)

Item Minutes: Mr. Daroga presented this item consistent with the fact sheet provided in the agenda packet. Mr. Daroga said there were two adjoining residents who spoke about storm water problems in the area and were opposed to this project.

Councilman Carter said he had concerns that flooding would be worsened and said he would Note no.

Motion: Move to approve PUD 190 and BAZ 1805 as recommended by the Planning Commission and Staff.

Motion b Mike Lester

Second b Craig Thurmond

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

Nays: Richard Carter

D. Consideration. possible approval of and authorization to execute a design contract with Design Workshop. Inc. for the Eastside Study design guidelines

Item Minutes: City Manager Jim Twyombly presented this item consistent with the fact sheet provided with the agenda. He briefly reviewed the information saying that 14 firms responded to the Request for Qualifications for East Side Development Design Guidelines that was issued in May, 2008 and. after the evaluation process was completed. Design Workshop. Inc.. of Austin. Texas was selected as the best qualified firm. He said Design Workshop. Inc. has offices nationally and has extensive experience preparing design guidelines for similar projects. Mr. Twyombly explained that this project will be done by three Planners and Architects from their Austin office. with input from other professionals. The consultant team has extensive experience.

Mr. Twyombly said that the team will work with the Steering Committee and City staff. and the steering committee will be comprised of all City Council members. all Planning Commission members and other members of the consultant selection committee. Mr. Twyombly said the cost of the proposed contract is for \$107,900.00 (\$99,900.00 basic services and 68,000 for reimbursable expenses) and is 180 calendar days in duration. He said the funding for this project will be from the Sales Tax Capital Improvement (STCI) fund. and if approved by the City Council. the first Kick-Off' meeting is anticipated in early October.

Motion: Move to approve and authorize the execution of a planning design contract with Design Workshop Inc., for the East Side Study Area.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

Upon concluding business for Item 9D. Mayor McCaleb said Council would now return to Item 8 as it was almost 7:00 p.m.

Broken Arrow Cith Council Minutes Page 3 ot'8 September 16. 200



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

**Section Minutes:** David Bykowski, 4317 N. Ironwood Avenue, Patrick Lemons, 4102 N. Lions Court, and John Corn, 1200 W. Ulysses, individually addressed Council regarding the ongoing water pressure problem in some of the Battle Creek neighborhoods. They explained how the low water pressure has negatively affected their daily living, from bathtubs not filling to sprinklers not working. They pointed out that even though there were already complaints to the City regarding the water pressure, additional neighborhoods have been allowed to be developed under the same low water pressure situation.

Assistant City Manager Dave Wooden gave a brief background on how the City has been dealing with this situation. He pointed out the City is considering absorbing the expense to put in the high pressure water line and only asking the homeowners to put the pressure regulators on their own service lines.

There was discussion of the petition process and explanations of legal requirements for assessment districts by the City Attorney, City Manager and Mayor.

The Mayor requested the City Manager and Assistant City Manager meet with homeowners and provide Council with the history of the problem and a possible solution.

Robert Altice, 1617 W. Ulysses Street, requested someone look into the reason there is an odor coming from the water.

Although he had signed up to address Council, Ed Daniels did not come forward to speak when the Mayor called his name.

9. **General Council Business**

E. Consideration and possible approval of the Parks and Recreation Master Plan

**Item Minutes:** Ms. Wilkening requested that Council table this item. She explained that the master plan must go before the Planning Commission before being brought to Council.

|                   |   |
|-------------------|---|
| <b>Motion:</b>    | <b>Move to table until after item is reviewed by the Planning Commission.</b> |
| <b>Motion by:</b> | Mike Lester   |
| <b>Second by:</b> | Richard Carter  |
| <b>Ayes:</b>      | Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb      |
| <b>Nays:</b>      | None  |

F. Consideration and possible approval of the City of Broken Arrow Regulatory Flood Area Management Program Policy

**Item Minutes:** Mr. Twombly presented this item explaining that, at the meeting of July 15, 2008, City Council directed City Staff to prepare an implementation plan for management of regulatory flood areas in the City. He added that the attached Regulatory Flood Area Management Program Policy establishes guidelines for obtaining ownership of flood-prone areas and for items to be included in the maintenance of those areas once ownership is transferred to the City.

Vice Mayor Lester asked for clarification regarding the debris that residents would have to remove. Engineering Director, Mr. Ken Schwab, said there would be some large items such as large trees that the city would remove. Councilman Thurmond suggested the language in the policy be written more clearly regarding debris removal. Vice Mayor Lester asked if the City would repair any of the eroded banks behind some residences or if homeowners would be responsible for these repairs. Mr. Schwab said the residents were responsible for these repairs but that the City would step in if erosion created a dangerous situation.

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

Section Minutes: David Bvkow ski, 4317 N. Ironwood Avenue, Patrick Lemons, 4102 N. Lions Court, and John Corn, 1200 W. Ulysses, individually addressed Council regarding the ongoing water pressure problem in some of the Battle Creek neighborhoods. They explained how the low water pressure has negatively affected their daily living, from bathtubs not filling to sprinklers not working. They pointed out that even though there were already complaints to the City regarding the water pressure, additional neighborhoods have been allowed to be developed under the same low water pressure situation. Assistant City Manager Dave Wooden gave a brief background on how the City has been dealing with this situation. He pointed out the City is considering absorbing the expense to put in the high pressure water line and only asking the homeowners to put the pressure regulators on their own service lines. There was discussion of the petition process and explanations of legal requirements for assessment districts by the City Attorney, City Manager and Mayor.

The Mayor requested the City Manager and Assistant City Manager meet with homeowners and provide Council with the history of the problem and a possible solution.

Robert Altice, 1617 W. Ulysses Street, requested someone look into the reason there is an odor coming from the water.

Although he had signed up to address Council, Ed Daniels did not come forward to speak when the Mayor called his name.

## 9. General Council Business

### E. Consideration and possible approval of the Parks and Recreation Master Plan

Item Minutes: Ms. Wilkening requested that Council table this item. She explained that the master plan must go before the Planning Commission before being brought to Council.

Motion: Move to table until after item is reviewed by the Planning Commission.

Motion by Mike Lester

Second by Richard Carter

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

Nays: None

### F. Consideration and possible approval of the City of Broken Arrow Regulatory Flood Area Management Program Policy

Item Minutes: Mr. Twombly presented this item explaining that, at the meeting of Jul' 15, 2008, City Council directed City Staff to prepare an implementation plan for management of regulatory flood areas in the City. He added that the attached Regulator- Flood Area Management Program Policy establishes guidelines for obtaining ownership of flood-prone areas and for items to be included in the maintenance of those areas once ownership is transferred to the City.

Vice Mayor Lester asked for clarification regarding the debris that residents would have to remove. Engineering Director, Mr. Ken Schwab, said there would be some large items such as large trees that the city would remove. Councilman Thurmond suggested the language in the policy be written more clearly regarding debris removal. Vice Mayor Lester asked if the City would repair any of the eroded banks behind some residences or if homeowners would be responsible for these repairs. Mr. Schwab said the residents were responsible for these repairs but that the City would step in if erosion created a dangerous situation.

# Broken Arrow City Council Minutes Page 4 of 9 September 16. 200

Stephen Gray, 3837 W. El Paso, is a resident of and attorney for the Union Station South Homeowners Association. He spoke in favor of the item in general, and addressed the development of Buford Park to help alleviate problems in his neighborhood and that portion of the City. Mr. Gray provided a memo and binder from the Union Station South Homeowners Association. The binder contained photos, quality of life articles, and a "Petition for the Building of Buford Park".

Vice Mayor Lester said Council met with Union Schools on September 15, 2008 to discuss future projects and to promote working together for improvements. Mr. Twombly said there would be a meeting on September 26, 2008, 7:30 a.m. at Central on Main sponsored by the Chamber of Commerce at 7:30 a.m. to discuss the upcoming bond issues. He added that town hall meetings will be held September 29, September 30 and October 1, 2008 with meetings to be held at locations yet to be determined in South Broken Arrow, a meeting on the west side of town and a meeting on the eastside of town, respectively.

John Thompson, 501 S. Sweet Gum Avenue, addressed Council in favor of the item and requested Council help the residents find the direction that they need to work with the City in order to find a solution to the potential flooding problems in their neighborhood and development of Buford Park.

Mayor McCaleb informed the speaker about the Homeowner Association Meetings sponsored by the City. The Mayor suggested that Mr. Thompson contact City Planner Farhad Daroga for more information and to get on their mailing list.

Union Station South Homeowners William Patterson, 505 S. Sweet Gum Avenue; Marrien Neilsen, 512 S. Tamarack Avenue; Jeff and Traci Dale, 520 S. Tamarack Avenue; Dan and Krystal Jordan, 412 S. Tamarack Avenue; all addressed Council in favor of the item and briefly described what they have been dealing with in their backyards, actions they have taken, and their hopes in working with the City in resolving the creek problems.

Richard Vogt, 116 S. Yellowood Avenue, spoke in favor of this item and addressed Council as regards Lancaster Park and the problems facing the Homeowners Association with the condition of the creek channel.

Helen Tener, 2761 S. Elder Avenue, spoke in favor of this item and briefly described creek problems in the Wolf Creek addition.

Jeannette Schwartz, 524 S. Tamarack Avenue, and Gwen Stevens, 504 S. Tamarack Avenue, did not speak but wished their support of the item to be noted.

In response to Council inquiries, Mr. Wooden stated if Council approves this policy and the bond issues are passed in November, work will begin sometime next year.

Mayor McCaleb commented this is just the first of many bond issues that will be necessary to fully address the problem. He also noted it will be a 10-15 year plan to get these creeks fixed.

Brent Watson, 8624 S. Wright Avenue, gave a brief statement in support of the plan.

Councilman Carter thanked those present for coming tonight and discussing this issue, willingness to work with the City in resolving the issues, and supporting the policy. He noted it appears the entire City has been covered by the speakers tonight.

|                   |  |
|-------------------|--|
| <b>Motion:</b>    | <b>Move to adopt the City of Broken Arrow Regulatory Flood Area Management Program Policy with minor revisions in wording.</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   |

Stephen Gray. 38 37 W. El Paso. is a resident of and attorney for the Union Station South Homeowners Association. He spoke in favor of the item in general. and addressed the development of Buford Park to help alleviate problems in his neighborhood and that portion of the City. Mr. Gray provided a memo and binder from the Union Station South Homeowners Association. The binder contained photos. quality of life articles. and a Petition for the Building of Buford Park".

Vice Mayor Lester said Council met with Union Schools on September 15. 2008 to discuss future projects and to promote working together for improvements. Mr. T«ombly said there would be a meeting on September 26. 2008. 7:30 a.m. at Central on Main sponsored by the Chamber of Commerce at 7:30 a.m. to discuss the upcoming bond issues. He added that town hall meetings will be held September 29. September 0 and October I. 2008 with meetings to be held at locations yet to be determined in South Broken Arrow. a meeting on the west side of town and a meeting on the eastside of town. respectively.

John Thompson. 501 S. Sweet Gum Avenue. addressed Council in favor of the item and requested Council help the residents find the direction that they need to work with the City in order to find a solution to the potential flooding problems in their neighborhood and development of Buford Park. Mayor McCaleb informed the speaker about the Homeowner Association Meetings sponsored by the City. The Mayor suggested that Mr. Thompson contact City Planner Farhad Daroga for more information and to get on their mailing list.

Union Station South Homeowners William Patterson. 505 S. Sweet Gum Avenue: Marrien Neilsen. 512 S. Tamarack Avenue: Jeff and Traci Dale. 520 S. Tamarack Avenue: Dan and Krystal Jordan. 412 S. Tamarack Avenue: all addressed Council in favor of the item and briefly described what they have been dealing with in their backyards. actions they have taken. and their hopes in working with the City in resolving the creek problems.

Richard Vogt. 116 S. Yello«ood Avenue. Spoke in favor of this item and addressed Council as regards Lancaster Park and the problems facing the Homeowners Association with the condition of the creek channel.

Helen Tener. 2761 S. Elder Avenue. spoke in favor of this item and briefly described creek problems in the Wolf Creek addition.

Jeannette Schwartz. 524 S. Tamarack Avenue. and Gwen Stevens. 504 S. Tamarack Avenue. did not speak but wished their support of the item to be noted.

In response to Council inquiries. Mr. Wooden stated if Council approves this policy and the bond issues are passed in November. work will begin sometime next year.

Mayor McCaleb commented this is just the first of many bond issues that will be necessary to fully address the problem. He also noted it will be a 10-15 year plan to get these creeks fixed.

Brent Watson. 8624 S. Wright Avenue. gave a brief statement in support of the plan.

Councilman Carter thanked those present for coming tonight and discussing this issue. willingness to work with the City in resolving the issues. and supporting the policy. He noted it appears the entire City has been covered by the speakers tonight.

Motion: Move to adopt the City of Broken Arrow Regulatory Flood Area Management Program Policy with minor revisions in wording.

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

Broken Arrow City Council Minutes Page 5 of 8 September 16, 200

**10. City Manager's Report**

**Section Minutes:** Mr. Twombly made a few comments regarding the outcome of the joint meeting with the school. Mayor McCaleb had some questions. Ms. Wilkening requested that this discussion be placed under Item 13 as this discussion was not on the agenda under any other item.

**11. Preview Ordinances**

- A. An ordinance amending Chapter 7, Article XI, Section 7-261 of the Broken Arrow Code pertaining to Wrecker Services, Specifications for Bidding for a long term wrecker contract; repealing all ordinances to the contrary; and declaring an emergency

**Section Minutes:** Ms. Wilkening presented this item consistent with the fact sheet provided with the agenda.

|                   |   |
|-------------------|---|
| <b>Motion:</b>    | <b>Move to forward preview ordinances to the next agenda for possible adoption.</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. 2985 - An ordinance amending Chapter 8, Cemeteries, Sections: 8-22, 8-29, 8-30 and 8-36 of the Broken Arrow Code; repealing all ordinances to the contrary and declaring an emergency

**Section Minutes:** Ms. Wilkening presented this item consistent with the fact sheet provided with the agenda.

|                   |  |
|-------------------|--|
| <b>Motion:</b>    | <b>Move to approve Ordinance No. 2985.</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 approve the Emergency Clause of Ordinance No. 2985.</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   |

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

**Section Minutes:** There were no additional comments or inquiries.

|                   |   |
|-------------------|---|
| <b>Motion:</b>    | <b>Move to recess to enter into Broken Arrow Municipal Authority meeting.</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  |

**Section Minutes:** The Mayor reconvened the regular session at the noted time of 8:38 p.m.

## 10. City Manager's Report

Section Minutes: Mr. Twombly made a few comments regarding the outcome of the joint meeting with the school. Mayor McCaleb had some questions. Ms. Wilkening requested that this discussion be placed under Item 1 3 as this discussion was not on the agenda under any other item.

## 11. Preview Ordinances

A. An ordinance amending Chapter 7. Article XI. Section 7-261 of the Broken Arrow Code pertaining to Wrecker Services. Specifications for Bidding for a long term wrecker contract: repealing all ordinances to the contrary: and declaring an emergency

Section Minutes: Ms. Wilkening presented this item consistent with the fact sheet provided with the agenda.

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

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

## 12. Ordinances

A. Ordinance No. 2985 An ordinance amending Chapter 8. Cemeteries. Sections: 8-22. 8-29. 8-30 and 8-36 of the Broken Arrow Code: repealing all ordinances to the contrary and declaring an emergency

Section Minutes: Ms. Wilkening presented this item consistent with the fact sheet provided with the agenda.

Motion: Move to approve Ordinance No. 2985.

Motion b Mike Lester

Second b Craig Thurmond

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

Nays: None

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

Motion b Mike Lester

Second b Craig Thurmond

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

Nays: None

## 13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no additional comments or inquiries.

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

Motion b Craig Thurmond

Second b Mike Lester

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 8:38 p.m.

Broken Arrow City Council Minutes Page 6 of 8 September 16, 200



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

**Section Minutes:** The Mayor reconvened the regular session at the noted time of 8:53 p.m.

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

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on contract negotiations concerning IAFF and FOP employee groups, under 25 O.S. § 307(B)(2); regarding the purchase and appraisal of real property and fixtures owned by Wagoner County Rural Water District No. 4, and the purchase and appraisal of real property for widening 9<sup>th</sup> Street between Helena and Fargo, under 25 O.S. § 307(B)(3); and litigation concerning City of Broken Arrow v. Mary Ellen Brown, et al., Wagoner County District Court Case Number CJ-2008-736, City of Broken Arrow v. Rhonda Lynette Hamilton, et al., Tulsa County District Court Case Number CJ-2008-4327, City of Broken Arrow v. Ray H. Wilburn, Tulsa County District Court Case Number CJ-2006-5913, and potential litigation and claim regarding delinquent commercial stormwater fees 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 9:54 pm.

|                   |  |
|-------------------|--|
| <b>Motion:</b>    | <b>Move to authorize the Assistant City Manager and the Human Resources Director to proceed as directed with regard to negotiations with the IAFF and FOP.</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 authorize settlement of the City of Broken Arrow v. Mary Ellen Brown, et al. in the amount of \$6,219.</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 authorize settlement of the City of Broken Arrow v. Norma Hamilton, et al. in the amount of \$40,100.</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   |

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

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:53 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 IAFF and FOP employee groups, under 25 O.S. 307(B)(2); regarding the purchase and appraisal of real property and fixtures owned by Wagoner County Rural Water District No. 4, and the purchase and appraisal of real property for widening 9"i Street between Helena and Fargo, under 25 O.S.' 307(B)(3); and litigation concerning City of Broken Arrow N. Mary Ellen Brown, et al., Wagoner County District Court Case Number 0-2008-7 36, City of Broken Arrow N. Rhonda Lynette Hamilton, et al., Tulsa County District Court Case Number 0-2008-4 327, City of Broken Arrow N. Ray H. Wilburn, Tulsa County District Court Case Number CJ-2006-591 and potential litigation and claim regarding delinquent commercial stormwyater fees 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 9:54 pm.

Motion: Move to authorize the Assistant City Manager and the Human Resources

Director to proceed as directed with regard to negotiations with the IAFF and FOP.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

Motion: Move to authorize settlement of the City of Broken Arrow v. Mary Ellen Brown, et al. in the amount of \$6,219.

Motion b Mike Lester

Second b Craig Thurmond

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

Nays: None

Motion: Move to authorize settlement of the City of Broken Arrow v. Norma Hamilton, et al. in the amount of \$40,100.

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 7 of 8 September 16, 200

|                   |   |
|-------------------|---|
| <b>Motion:</b>    | <b>Move to authorize settlement of the City of Broken Arrow v. Ray Wilburn, et al. in the amount of \$60,000.</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 authorize staff to notify commercial businesses with delinquencies of stormwater fee deficiencies and to develop a plan to recover them.</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  |

No further action was taken.

**15. Adjournment**

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

The meeting was adjourned at the noted time of 9:56 p.m.

\_\_\_\_\_  
Mayor

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

Motion: Move to authorize settlement of the City of Broken Arrow v. Ray Wilburn, et al. in the amount of \$60,000.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

Motion: Move to authorize staff to notify commercial businesses with delinquencies of stormwater fee deficiencies and to develop a plan to recover them.

Motion b Mike Lester

Second b Philip tucker

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 Mike Lester

Second b Philip Tucker

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

Nays: None

The meeting was adjourned at the noted time of 9:56 p.m.

Mayor

City Clerk

Broken Arrow City Council Minutes Pages of's September 16. 200