

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
November 3, 2009**

**6:30 PM**

**1. Call to Order**

**Section Minutes:** Mayor Lester called the meeting to order at approximately 6:30 p.m.

**2. Invocation**

**Section Minutes:** There was no one present to deliver an Invocation.

**3. Roll Call**

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

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

**Section Minutes:** Vice Mayor Tucker led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Lester asked if there were any items to be removed from the Consent Agenda. Councilor McCaleb asked to remove item 5A because he and Councilor Thurmond were not present at the meeting covered in the minutes. Councilor Carter moved to approve except item 5A.

<b>Motion:</b>	<b>Move to approve the Consent Agenda except Item 5A</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None
<b>Abstain:</b>	

**A. Approval of regular minutes of October 20, 2009**

**Item Minutes:** Item 5A was removed from Consent and handled under Section 6.

**B. Acceptance of minutes of the Planning Commission meeting held on October 8, 2009.**

**C. Approval of a contract with Tulsa County for CDBG FY2009 Social Services funding**

**D. Approval of Employment Contract for Professional Services as Alternate Judge for the City of Broken Arrow's Municipal Court**

**E. Approval of Employment Contract for Professional Services as Presiding Judge for the City of Broken Arrow's Municipal Court**

**F. Approval of a Use Agreement with Broken Arrow Amateur Youth Basketball Association to use the Central Park Community Center gymnasiums and the Nienhuis Park Community Center gymnasiums for a youth basketball program**

BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
November 3, 2009

6:30 PM

1. Call to Order

Section Minutes: Mayor Lester called the meeting to order at approximately 6:30 p.m.

2. Invocation

Section Minutes: There was no one present to deliver an Invocation.

3. Roll Call

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

Absent: None

4.

Pledge of Allegiance to the Flag

Section Minutes: Vice Mayor Tucker led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. Councilor McCaleb asked to remove item 5A because he and Councilor Thurmond were not present at the meeting covered in the minutes. Councilor Carter moved to approve except item 5A.

Motion: Move to approve the Consent Agenda except Item 5A

Motion by Richard Carter

Second by Philip Tucker

Ayes: Richard Carter. Philip Tucker. Mike Lester

Nays: None

Abstain:

A. Approval of regular minutes of October 20, 2009

Item Minutes: Item 5A was removed from Consent and handled under Section 6.

B. Acceptance of minutes of the Planning Commission meeting held on October 8, 2009.

C. Approval of a contract with Tulsa County for CDBG FY2009 Social Services funding

D. Approval of Employment Contract for Professional Services as Alternate Judge for the City of Broken Arrow's Municipal Court

E. Approval of Employment Contract for Professional Services as Presiding Judge for the City of Broken Arrow's Municipal Court

F. Approval of a Use Agreement with Broken Arrow Amateur Youth Basketball Association to use the Central Park Community Center gymnasiums and the Nienhuis Park Community Center gymnasiums for a youth basketball program

Broken Arrow City Council Agenda Page I of I November 3, 2009



- G. Approval of a Workers' Compensation Court Order for Bruce Wallace a Fire Department employee.
- H. Approval of an Architect-Engineer contract for preparation of a Master Plan for an Events Park
- I. Approval of bids received and award the most advantageous bid for the purchase of three dump trucks from Frontier International
- J. Approval of bids received and award of the most advantageous bid to GT Distributors for ammunition for Broken Arrow Police Department
- K. Approval of Bids Received. Award of Most Advantageous to TI Training. Declaration of a Compact Skills Trainer Model as surplus and authorize its trade-in for a credit
- L. Approval of the Claims List

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

**Section Minutes:** Item 5A was removed from Consent.

5A. Approval of regular minutes of October 20, 2009

<b>Motion:</b>	<b>Move to approve Item 5A, Minutes of October 20, 2009</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Mike Lester. Richard Carter. Philip Tucker
<b>Nays:</b>	None
<b>Abstain:</b>	Craig Thurmond. Wade McCaleb

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

- A. Oaths: Administration of the Oath of Office to members of the Youth City Council for school year 2009-2010

**Item Minutes:** City Attorney, Ms Beth Anne Wilkening, administered the Oath of Office and the Loyalty Oath to the members and interns of the Youth City Council for school year 2009-2010.

The Youth Councilors and Interns are as follows:

- Jessica Johnson - YCC Mayor
- Ruth Torluemke - YCC Vice Mayor
- Reagan Morgan - YCC Councilor
- Madeliene Pritner - YCC Councilor
- Kaitlyn Swinney - YCC Councilor
- Thomas Hilbert - YCC Council Intern
- Eric Stukey - YCC Council Intern

No action was taken or required.

G. Approval of a Workers' Compensation Court Order for Bruce Wallace a Fire Department employee.

H. Approval of an Architect-Engineer contract for preparation of a Master Plan for an Events Park

1. Approval of bids received and award the most advantageous bid for the purchase of three dump trucks from Frontier International

J. Approval of bids received and award of the most advantageous bid to GT Distributors for ammunition for Broken Arrow Police Department

K. Approval of Bids Received. Award of Most Advantageous to TI Training. Declaration of a Compact Skills Trainer Model as surplus and authorize its trade-in for a credit

L. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: Item iSA ryas removed from Consent.

5A. Approval of regular minutes of October 20, 2009

Motion: Move to approve Item 5A, Minutes of October 20, 2009

Motion b Richard Carter

Second b Philip Tucker

Ayes: Mike Lester. Richard Carter. Philip Tucker

Nays: None

Abstain: Craig Thurmond. Wade McCaleb

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

A. Oaths: Administration of the Oath of Office to members of the Youth City Council for school year 2009-20 10

Item Minutes: City Attonney. Ms Beth Anne Wilkening. administered the Oath of Office and the Loyalty Oath to the members and interns of the Youth City Council for school year 2009-2010.

The Youth Councilors and Interns are as follows:

Jessica Johnson YCC Mayor

Ruth Torluemke YCC Vice Mayor

Reagan Morgan YCC Councilor

Madeliene Pritner YCC Councilor

Kaitlyn Swyinney YCC Councilor

Thomas Hilbert YCC Council Intern

Eric Stukekey YCC Council Intern

No action ryas taken or required.

Broken Arrow City Council Agenda Page 2 ol'2 November 3, 2009

- B. Proclamation: Approval of Proclamation declaring November 14, 2009 as "Military Appreciation Day"

**Item Minutes:** Acting City Manager, Mr. Dave Wooden presented this Item in accordance with the details in the Fact Sheet provided in the Agenda packet. Mayor Lester read the Proclamation aloud.

<b>Motion:</b>	<b>Move to approve Proclamation declaring November 14, 2009 as "Military Appreciation Day"</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Richard Carter, Philip Tucker, Craig Thurmond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

- C. Presentation: General Fund Financial Presentation for the three months ending September 30, 2009

**Item Minutes:** Finance Director, Mr. Tom Caldwell, presented this Item in accordance with the Fact Sheet and documents provided in the Agenda packet.

No action was taken or required.

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services**

**Section Minutes:** Mr. Larry Allison, Allison & Associates, stated that he represented a client, Mr. Phillip Jemigan who owns the John Deere Dealership which they are trying to market. He said the use intensity level on the property was changed to Level IV at the November 20, 2006 meeting of the Planning Commission. He said that the East Side Planning Study resulted in changing the Intensity Level back to Level III and he is asking on behalf of Mr. Allison that the Intensity Level be changed to Level IV again. Mayor Lester said no action could be taken tonight. Mr. Allison said he realized that. Mr. Wooden suggested Mr. Allison call him and they would work out a time to meet with staff. Mr. Allison agreed.

Mr. Randal Ketring requested that a street light be placed at the dead end in Rockwood 3 Addition at the corner of 1200 block at Queens and Juniper Avenue. He said that there were kids loitering in that area at night, and some type of lighting to provide security to the residents in the area who have already experienced thefts. Mr. Ketring added that there was already graffiti on the new bridge the City installed and which they very much appreciated. Mr. Wooden said he would review the Police reports for that location with staff and will call Mr. Ketring sometime next week.

Mr. Scott McFadden, a City of Broken Arrow citizen and Fire Fighter, spoke regarding the Employee Activity Committee and the recent questionnaire the Committee sent out regarding Awards banquet and the alternating holiday/City picnic. Mr. McFadden said that it did not seem appropriate in this time of tight City budget, hiring freezes, etc. to be budgeting \$25,000.00 for employee parties. Mr. McFadden asked if this money were in the City budget, and if so, where in the budget it was located. He also asked if this money can be used for other things. Mr. Wooden said he had just returned from vacation and had not seen the Employee Advisory Committee survey. He said he would look into the matter and contact Mr. McFadden with the budget information.

**B. Proclamation: Approval of Proclamation declaring November 14, 2009 as Military Appreciation Day**

Item Minutes: Acting Cit Manager. Mr. Dave Wooden presented this Item in accordance with the details in the Fact Sheet provided in the Agenda packet. Mayor Lester read the Proclamation aloud.

Motion: Move to approve Proclamation declaring November 14, 2009 as Military Appreciation Day"

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

**C. Presentation: General Fund Financial Presentation for the three months ending September 30, 2009**

Item Minutes: Finance Director. Mr. Tom Caldwell. presented this Item in accordance with the Fact Sheet and documents provided in the Agenda packet.

No action was taken or required.

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services**

Section Minutes: Mr. Larry Allison. Allison & Associates. stated that lie represented a client.

Mr. Phillip Jernigan who owns the John Deere Dealership which they are trying to market. He said the use intensity level on the property was changed to Level IV at the November 20, 2006 meeting of the Planning Commission. He said that the East Side Planning Study resulted in changing the Intensity Level back to Level III and lie is asking on behalf of Mr. Allison that the Intensity Level be changed to Level IV again. Mayor Lester said no action could be taken tonight. Mr. Allison said lie realized that. Mr. Wooden suggested Mr. Allison call him and they would work out a time to meet with staff. Mr. Allison agreed.

Mr. Randal Ketring requested that a street light be placed at the dead end in Rockwood 3 Addition at the corner of 1200 block at Queens and Juniper Avenue. He said that there were kids loitering in that area at night. and some type of lighting to provide security to the residents in the area who have already experienced thefts. Mr. Ketring added that there was already graffiti on the new bridge the City installed and which they very much appreciated. Mr. Wooden said he would review the Police reports for that location with staff and will call Mr. Ketring sometime next week.

Mr. Scott McFadden. a City of Broken Arrow citizen and Fire Fighter. spoke regarding the Employee Activity Committee and the recent questionnaire the Committee sent out regarding Awards banquet and the alternating holiday/City picnic. Mr. McFadden said that it did not seem appropriate in this time of tight City budget. hiring freezes. etc. to be budgeting \$25,000.00 for employee parties. Mr. McFadden asked if this money were in the City budget. and if so. where in the budget it was located. He also asked if this money can be used for other things. Mr. Wooden said lie had just returned from vacation and had not seen the Employee Advisory Committee survey. He said he would look into

the matter and contact Mr. McFadden with the budget information.  
Broken Arrow City Council Agenda Page 3 of 3 November 3, 2009



9. **General Council Business**

- A. Receipt and consideration of bids and possible action to award the most advantageous bid for the sale of \$3,225,000 in principal amount of Series 2009C General Obligation Bonds and authorization to execute the pertinent documents related thereto

**Item Minutes:** Mr. Caldwell presented this Item in accordance with the details provided in the Agenda packet. Mr. John Wolfe reviewed the summary of bids. Vice Mayor Tucker moved to approve the bid from Country Club Bank (with AVB Bank) in the amount of \$3,225,000.00

<b>Motion:</b>	<b>Move to approve award of bid to Country Club Bank for \$3,225,000 in principal amount of Series 2009C General Obligation Bonds and authorization to execute the pertinent documents related thereto</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thummond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

- B. Receipt and consideration of bids and possible action to award the most advantageous bid for the sale of \$6,400,000 in principal amount of Series 2009D General Obligation Bonds and authorization to execute the pertinent documents related thereto

**Item Minutes:** Mr. Caldwell presented this Item in accordance with the details provided in the Agenda packet.

<b>Motion:</b>	<b>Move to approve award of bid to Country Club Bank for \$6,400,000 in principal amount of Series 2009D General Obligation Bonds and authorization to execute the pertinent documents related thereto</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thummond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

- C. Approval of the 140th Street Assessment District Legal Notice of Public Hearing and Direct the City Clerk to provide notice in accordance with 11 O.S. § 37-220.

**Item Minutes:** Mayor Lester recused himself from the discussion and vote regarding this Item and left the room. Vice Mayor Tucker handled this item.

Ms. Wilkening stated that Resolution No. 622 was approved by the Broken Arrow City Council on October 6, 2009 and this Resolution approved the construction plans and estimates for the 140th Street Assessment District, finding that the construction was in compliance with the plans and adopting and confirming the Final Statement of Costs. She explained that in accordance with Resolution No. 622, engineering staff prepared the Assessment Roll provided in the Agenda packet and it was filed with the City Clerk's Office on November 2, 2009.

Ms. Wilkening stated that the next step in the process is for the City Council to schedule a public hearing and, if Council approves, a Legal Notice of Public Hearing will be mailed to all individuals identified on the Assessment Roll and the Assessment Roll will also published in accordance with the provisions of 11 O.S. § 37-220. She said that the Notice sets the Assessment Roll for public hearing on December 15, 2009, at 6:30 p.m., and identifies the general location of the proposed improvements. Ms. Wilkening said that importantly, the attached Assessment Roll represents a deviation from state law in that this assessment is not being equally apportioned because, in

## 9. General Council Business

A. Receipt and consideration of bids and possible action to award the most advantageous bid for the sale of \$3.225.000 in principal amount of Series 2009C General Obligation Bonds and authorization to execute the pertinent documents related thereto

Item Minutes: Mr. Caldwell presented this Item in accordance with the details provided in the Agenda packet. Mr. John Wolfe reviewed the summary of bids. Vice Mayor Tucker moved to approve the bid from Country Club Bank with AVB Bank) in the amount of \$3.225.000.00

Motion: Move to approve award of bid to Country Club Bank for \$3,225,000 in principal amount of Series 2009C General Obligation Bonds and authorization to execute the pertinent documents related thereto

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig T7utrmond. Wade McCaleb. Mike Lester

Nays: None

B. Receipt and consideration of bids and possible action to award the most advantageous bid for the sale of \$6.400.000 in principal amount of Series 2009D General Obligation Bonds and authorization to execute the pertinent documents related thereto

Item Minutes: Mr. Caldwell presented this Item in accordance with the details provided in the Agenda packet.

Motion: Move to approve award of bid to Country Club Bank for \$6,400,000 in principal amount of Series 2009D General Obligation Bonds and authorization to execute the pertinent documents related thereto

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig T7utrmond. Wade McCaleb. Mike Lester

Nays: None

C. Approval of the 140th Street Assessment District Legal Notice of Public Hearing and Direct the City Clerk to provide notice in accordance with I I O.S. 37-220.

Item Minutes: Mayor Lester recused himself from the discussion and vote regarding this Item and left the room. Vice Mayor Tucker handled this item.

Ms. Wilkening stated that Resolution No. 622 rvas approved by the Broken Arrow City Council on October 6. 2009 and this Resolution approved the construction plans and estimates for the 140th Street Assessment District. finding that the construction rvas in compliance with the plans and adopting and confirming the Final Statement of Costs. She explained that in accordance with Resolution No. 622. engineering staff prepared the Assessment Roll provided in the Agenda packet and it rvas filed with the City Clerk's Office on November 2. 2009.

Ms. Wilkening stated that the next step in the process is for the City Council to schedule a public hearing and. If Council approves. a Legal Notice of Public Hearing will be nailed to all individuals identified on the Assessment Roll and the Assessment Roll will also published in accordance with the provisions of I I O.S. 37-220. She said

that the Notice sets the Assessment Roll for public hearing on December 15, 2009, at 6:30 p.m., and identifies the general location of the proposed improvements. Ms. Wilkening said that importantly, the attached Assessment Roll represents a deviation from state law in that this assessment is not being equally apportioned because, in Broken Arrow City Council Agenda Page 4 of 4 November 3, 2009

order to facilitate construction of this improvement without significant burden to others in the neighborhood. certain residents agreed to split the costs.

Vice Mayor Tucker asked for a motion to set the Public hearing on December 15, 2009 to take place during the regularly scheduled City Council meeting which begins at 6:30 p.m.

<b>Motion:</b>	<b>Move to approve of the 140th Street Assessment District Legal Notice of Public Hearing and Direct the City Clerk to provide notice in accordance with 11 O.S. § 37-220</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Richard Carter, Craig Thurmond, Philip Tucker, Wade McCaleb
<b>Nays:</b>	None

Mayor Lester returned to Council Chambers.

- D. Approval of appointment of Tom Cook, Jr., City Controller, to represent the City of Broken Arrow on the Tulsa County CDBG Urban County Policy Committee

**Item Minutes:** Acting City Manager, Mr. Dave Wooden, presented this Item in accordance with the Fact Sheet provided in the Agenda packet and asked Council to consider appointing Mr. Cook to the Committee.

<b>Motion:</b>	<b>Move to approve appointment of Tom Cook, Jr., City Controller, to represent the City of Broken Arrow on the Tulsa County CDBG Urban County Policy Committee</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

**10. City Manager's Report**

- A. None

**11. Preview Ordinances**

- A. An ordinance amending Chapter 16.5, Article I, Section 16.5-1 of the Broken Arrow Code pertaining to Closing hours for public parks: repealing all ordinances to the contrary; and declaring an emergency.

**Item Minutes:** Ms. Wilkening presented the preview ordinance stating that the ordinance currently provides that all parks, except Ray Harrell Nature Park are closed from midnight until 6:00 a.m. daily, and the proposed changes to the ordinance will expand park facilities to include walking trails and provide for closure at 11:00 p.m. and opening at 6:00 a.m. unless otherwise posted.

<b>Motion:</b>	<b>Move to pass preview ordinance to the November 17, 2009 Council meeting and set for adoption.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Richard Carter, Philip Tucker, Craig Thurmond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

order to facilitate construction of this improvement without significant burden to others in the neighborhood. certain residents agreed to split the costs.

Vice Mayor Tucker asked for a motion to set the Public hearing on December 15, 2009 to take place during the regularly scheduled City Council meeting which begins at 6:30 p.m.

Motion: Move to approve of the 140th Street Assessment District Legal Notice of Public Hearing and Direct the City Clerk to provide notice in accordance with 11 O.S. 37-220

Motion b Richard Carter

Second by: Craig TilLinnond

Ayes: Richard Carter. Craig Tlutrmond. Philip Tucker. Wade McCaleb

Nays: None

Mayor Lester returned to Council Chambers.

D. Approval of appointment of Tom Cook, Jr.. City Controller. to represent the City of Broken Arrow on the Tulsa County CDBG Urban County Policy Committee

Item Minutes: Acting City Manager. Mr. Dave Wooden. presented this Item in accordance with the Fact Sheet provided in the Agenda packet and asked Council to consider appointing Mr. Cook to the Committee.

Motion: Move to approve appointment of Tom Cook, Jr., City Controller, to represent the City of Broken Arrow on the Tulsa County CDBG Urban

County Policy Committee

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

10. City Manager's Report

A. None

11. Preview Ordinances

A. An ordinance amending Chapter 16.5. Article I. Section 16.5-I of the Broken Arrow Code pertaining to Closing hours for public parks: repealing all ordinances to the contrary: and declaring an emergency.

Item Minutes: Ms. Wilkening presented the preview ordinance stating that the ordinance currently provides that all parks. except Ray Harrell Nature Park are closed from midnight until 6:00 a.m. daily. and the proposed changes to the ordinance will expand park facilities to include walking trails and provide for closure at 11:00 p.m. and opening at 6:00 a.m. unless otherwise posted.

Motion: Move to pass preview ordinance to the November 17, 2009 Council meeting and set for adoption.

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

# Broken Arrow City Council Agenda Page 5 of 10 November 3, 2009

**12. Ordinances**

- A. Consideration of and possible adoption of Ordinance No. 3063 providing for the issuance of \$3,225,000 General Obligation Bonds, Series 2009C by the City of Broken Arrow, Oklahoma. Authorized at an election duly called and held for such purpose: Prescribing form of bonds: Providing 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. Caldwell said proposed sale was considered in a previous Council Agenda Item and this ordinance finalizes the steps required to proceed with authorizing the sale. Ms. Wilkening added that there was language in the Ordinance requiring that the Ordinance be read aloud in its entirety, and this language was struck from the Ordinance now before Council.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3063 providing for the issuance of \$3,225,000 General Obligation Bonds, Series 2009C by the City of Broken Arrow, Oklahoma, Authorized at an election duly called and held for such purpose; Prescribing form of bonds: Providing 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</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to adopt the emergency clause for Ordinance No. 3063</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

- B. Consideration of and possible adoption of Ordinance No. 3064 providing for the issuance of \$6,400,000 General Obligation Bonds, Series 2009D by the City of Broken Arrow, Oklahoma. Authorized at an election duly called and held for such purpose: Prescribing form of bonds: Providing 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. Caldwell said the proposed sale was considered in a previous Council Agenda Item and this ordinance finalizes the steps required to proceed.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3064 providing for the issuance of \$6,400,000 General Obligation Bonds, Series 2009D by the City of Broken Arrow, Oklahoma, Authorized at an election duly called and held for such purpose; Prescribing form of bonds: Providing 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</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None
<b>Motion:</b>	<b>Move to adopt the Emergency Clause for Ordinance No. 3064</b>

## 12. Ordinances

A. Consideration of and possible adoption of Ordinance No. 3063 providing for the issuance of \$3,225,000 General Obligation Bonds, Series 2009C by the City of Broken Arrow.

Oklahoma. Authorized at an election duly called and held for such purpose: Prescribing form of bonds: Providing 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. Caldwell said proposed sale was considered in a previous Council Agenda Item and this ordinance finalizes the steps required to proceed with authorizing the sale. Ms. Wilkening added that there was language in the Ordinance requiring that the Ordinance be read aloud in its entirety. and this language was struck from the Ordinance now before Council.

Motion: Move to adopt Ordinance No. 3063 providing for the issuance of \$3,225,000 General Obligation Bonds, Series 2009C by the City of Broken Arrow, Oklahoma, Authorized at an election duly called and held for such purpose; Prescribing form of bonds: Providing 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

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig T7utmond. Wade McCaleb. Mike Lester

Nays: None

Motion: Move to adopt the emergency clause for Ordinance No. 3063

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig T7utmond. Wade McCaleb. Mike Lester

Nays: None

B. Consideration of and possible adoption of Ordinance No. 3064 providing for the issuance of \$6,400,000 General Obligation Bonds, Series 2009D by the City of Broken Arrow.

Oklahoma. Authorized at an election duly called and held for such purpose: Prescribing form of bonds: Providing 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. Caldwell said the proposed sale was considered in a previous Council Agenda Item and this ordinance finalizes the steps required to proceed.

Motion: Move to adopt Ordinance No. 3064 providing for the issuance of \$6,400,000

General Obligation Bonds, Series 2009D by the City of Broken Arrow,

Oklahoma, Authorized at an election duly called and held for such

purpose; Prescribing form of bonds: Providing 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

Motion b Philip Tucker

Second by: Craig 171ILinriond

Ayes: Philip Tucker. Richard Carter. Craig T7utrmond. Wade McCaleb. Mike Lester

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3064

Broken Arrow City Council Agenda Page 6 of 6 November 3, 2009

<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thummond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

- C. Consideration of and possible adoption of Ordinance No. 3065 amending the Employee Retirement System. [defined] contribution plan for the City of Broken Arrow, Oklahoma by adopting a revised and restated retirement plan; providing retirement benefits for eligible employees of the City of Broken Arrow, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for non-alienation of benefits; loss of benefits for cause and limitations of benefits; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for transfer to and from other plans; creating a retirement committee and providing for powers, duties and rights of retirement committee; providing for duration and payment of expenses; providing for effective date; providing for vesting schedule; providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investments part of the Oklahoma Municipal retirement fund; providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment; providing for repealer and severability; adopting those amendments mandated by the internal revenue code; and declaring an emergency

**Item Minutes:** Ms. Wilkening presented this Item in accordance with the details in the Fact Sheet. Mr. Wooden said the Ordinance had a typographical error in the second line in the phrase, "denied contribution plan for the city of Broken Arrow". He said the word 'denied' should be 'defined'.

<b>Motion:</b>	<b>Move to adopt as corrected, Ordinance No. 3065 amending the Employee Retirement System, defined contribution plan for the City of Broken Arrow, Oklahoma by adopting a revised and restated retirement plan; providing retirement benefits for eligible employees of the City of Broken Arrow, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for non-alienation of benefits; loss of benefits for cause and limitations of benefits; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for transfer to and from other plans; creating a retirement committee and providing for powers, duties and rights of retirement committee; providing for duration and payment of expenses; providing for effective date; providing for vesting schedule; providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investments part of the Oklahoma Municipal retirement fund; providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment; providing for repealer and severability; adopting those amendments mandated by the internal revenue code; and declaring an emergency</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thummond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to adopt the Emergency Clause for Ordinance No. 3065</b>
----------------	--

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig T7utrniond. Wade McCaleb. Mike Lester

Nays: None

C. Consideration of and possible adoption of Ordinance No. 3065 amending the Employee Retirement System. IdefinedI contribution plan for the City of Broken Arrow, Oklahoma by adopting a revised and restated retirement plan: providing retirement benefits for eligible employees of the City of Broken Arrow, Oklahoma: providing for purpose and organization: providing for definitions: providing for eligibility and participation: providing for non-alienation of benefits: loss of benefits for cause and limitations of benefits: providing for employer and employee contributions: providing for accounting, allocation, and valuation: providing benefits: providing for required notice: providing for amendments and termination: providing for transfer to and from other plans: creating a retirement committee and providing for powers, duties and rights of retirement committee: providing for duration and payment of expenses, providing for effective date: providing for vesting schedule: providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investments part of the Oklahoma Municipal retirement fund: providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment: providing for repealer and severability: adopting those amendments mandated by the internal revenue code: and declaring an emergency

Item Minutes: Ms. Wilkening presented this Item in accordance with the details in the Fact Sheet. Mr. Wooden said the Ordinance had a typographical error in the second line in the phrase, "denied contribution plan for the city of Broken Arrow". He said the word denied should be defined.

Motion: Move to adopt as corrected, Ordinance No. 3065 amending the Employee Retirement System, defined contribution plan for the City of Broken Arrow, Oklahoma by adopting a revised and restated retirement plan; providing retirement benefits for eligible employees of the City of Broken Arrow, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for non-alienation of benefits; loss of benefits for cause and limitations of benefits; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for transfer to and from other plans; creating a retirement committee and providing for powers, duties and rights of retirement committee; providing for duration and payment of expenses; providing for effective date; providing for vesting schedule; providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investments part of the Oklahoma Municipal retirement fund; providing

for payment of all contributions under the system to the Oklahoma  
Municipal Retirement Fund for management and investment; providing  
for repealer and severability; adopting those amendments mandated by the  
internal revenue code; and declaring an emergency

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

Motion:

Move to adopt the Emergency Clause for Ordinance No. 3065

Broken Arrow City Council Agenda Page 7 of 7 November 2009

<b>Motion:</b>	<b>Move to adopt the Emergency Clause for Ordinance No. 3065</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
<b>Nays:</b>	None

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

None


**14. Executive Session**

None

**15. Adjournment**

The meeting adjourned at 7:09 p.m.

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

  
 \_\_\_\_\_  
 Mayor

Attest:

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



Motion: Move to adopt the Emergency Clause for Ordinance No. 3065

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

None

14. Executive Session

None

15. Adjournment

The meeting adjourned at 7:09 p.m.

Motion: Move to adjourn

Motion b Philip Tucker

Second b Craig Thurmond

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

Nays: None

Attest:

Broken Arrow City Council Agenda Page 8 of 8

fix t ice, l'

November 3, 2009