

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
July 05, 2011  
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 the invocation.

**3. Roll Call**

<b>Present:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Absent:</b>	Johnnie Parks

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

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

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Lester said Item H needed to be removed from the Consent Agenda for Councilor Norman. He then asked if there were any other items to be removed; there being none, he asked for a motion.

<b>Motion:</b>	<b>Move to approve the Consent Agenda excluding Item H</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- A. Approval of the meeting minutes of June 20, 2011
- B. Acceptance of minutes of the Planning Commission meeting held June 9, 2011
- C. Approval and authorization for the staff to pay incurred medical and dental claims as required throughout the fiscal year not to exceed \$4,452,368
- D. Approval of the City Wide Property Insurance Policy Renewal with Traveler's Insurance for Fiscal Year 2011-2012
- E. Approval of the All-Risk Property and Commercial Liability Umbrella Insurance Policies for Fiscal Year 2011-2012 for the Bass Pro building owned by the City of Broken arrow
- F. Approval of and authorization to execute a contract for professional services between the City of Broken Arrow and Family & Children's Services for Fiscal Year 2011-2012
- G. Approval of and authorization to execute a Use Agreement between the City of Broken Arrow and the Broken Arrow Historical Society to use the Broken Arrow Historical Museum located at 400 S. Main
- H. Approval of and authorization to execute a contract for services between the City of Broken Arrow and Youth Services of Tulsa, Inc. to assist at-risk Broken Arrow youth

## BROKEN ARROW CITY COUNCIL

### MINUTES

#### COUNCIL CHAMBERS

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Motion: Move to approve the Consent Agenda excluding item H

Motion b Crai Thurmond

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Na s: None

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H. Approval of and authorization to execute a contract for services between the City of Broken Arrow and Youth Services of Tulsa, Inc. to assist at-risk Broken Arrow youth

- I. Approval of and authorization to execute an Architect-Engineer Contract with HRAOK, Inc. for the design of 37th Street from Omaha to Albany
- J. Approval of bids received and award of the most advantageous bid to Shawnee Lighting Systems, Inc., and to approve and authorize execution of a construction contract, for Nienhuis Park Flag Football Field Lighting
- K. Approval of bids received and award of the most advantageous bid for the purchase of police car equipment wiring harnesses from Fleet Distributors Express
- L. Approval of conditional final plat, Quik Trip 6R, PT11-104 3.57acres, 1 lot, CN, northwest corner of Albany Street (61st Street) and Aspen Avenue (145th East Avenue)
- T. Approval of the Claims List

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

Councilor Norman left the room.

- 5H.** Approval of and authorization to execute a contract for services between the City of Broken Arrow and Youth Services of Tulsa, Inc. to assist at-risk Broken Arrow youth

Item Minutes: Mayor Lester asked for a motion to approve Item H from the Consent Agenda.

<b>Motion:</b>	<b>Move to approve Item H</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None
<b>Recuse:</b>	Jill Norman

Councilor Norman returned to the room following the vote.

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

- A. Consideration of Appeal of Building Permit determination By Exterran

**Item Minutes:** City Manager Dave Wooden explained that Exterran, a manufacturer located in the vicinity of Houston Street and Highway 51, is in the process of expanding a building and wants to do so without installing the required fire suppression sprinkler system. Mr. Wooden said the plans have been reviewed by Alan Stanton and the Fire Chief, and City Staff can find no way to allow the expansion without the addition of a fire suppression sprinkler system. He then said some people from Exterran were in attendance and wished to address the Council and appeal this determination by City Staff.

Mr. Ricky Woodling of Exterran addressed the Council, explaining that Exterran makes processing and treating units for the gas industry. In the past, he said the company has subcontracted a lot of this work to other locations outside the Tulsa area; now they are attempting to do much of this work in-house, and anticipate creating as many as 100 new jobs when their expansion is complete.

Ron Johnson, General Contractor of the expansion project for Exterran, said that in a similar situation at the Port of Catoosa, Rogers County waived the fire suppression sprinkler requirement on three buildings due to all-steel construction of the buildings and the use of the buildings to manufacture all-steel products. He said the City of Sand Springs also waived the sprinkler system requirement for an all-steel plant housing the manufacture of steel products with the exception of an office space in that plant. Councilor Norman asked why this requirement was waived in these instances; Mr. Johnson responded that the owners didn't want the sprinklers because they would ruin the product they were manufacturing. Councilor Norman then asked if people work in these buildings, and Mr. Johnson said yes, but they have fire extinguishers and evacuation routes in case of fire. Mr. Woodling added that sprinklers were not required because there's nothing to burn, there are no combustibles in the area.

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Item Minutes: Mayor Lester asked for a motion to approve Item H from the Consent Agenda.

Motion: Move to approve Item H

Motion b Richard Carter

Second b Craig Thurmond

Ayes: Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Recuse: Jill Norman

Councilor Norman returned to the room following the vote.

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

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Mr. Woodling said they have a facility now that's not sprinkled, and explained that when welding, there is always the possibility of electrical shock and steam burns if the equipment should ever get wet. Councilor Norman asked if there was a sprinkler in any other part of the building, and Mr. Woodling said not in any of their fabrication facilities. He did say that they had a sprinkler system on site in their paint booth. Mr. Woodling said the code allowed for two exceptions to the sprinkler system requirement: if there are no flammables in the area, or if the sprinklers would pose a danger to the employees. He then asked Council to approve their appeal.

Councilor Carter commented that he retired from a similar type of manufacturing company which had no sprinkler system. He agreed with Mr. Woodling about the danger of moisture, and said he tends to agree with their request, having worked in a similar environment for 15 years.

Councilor Norman asked if this became an issue because the company wanted to expand their facility, and Mr. Wooden that was correct. He added that one option offered to Exterran was the construction of a firewall between the two parts of the facility which would reduce the square footage to a level under the limit for the sprinkler requirement. Mr. Wooden said he had not heard of the three facilities in other cities referenced by Mr. Johnson, and suggested to Council that he obtain information about them and come back to Council at the next meeting with more details. Councilor Norman asked if there were offices in this building, and Mr. Woodling said there is one at the front of the building, attached by a breezeway. He said the office is not sprinkled; only the paint boot is sprinkled. Councilor Thurmond asked why they didn't want to install a firewall; Mr. Woodling said a firewall would disrupt the flow of their manufacturing process. Mayor Lester asked Mr. Woodling if he was saying that the welders would be subject to electrocution if the sprinklers went off, and Mr. Woodling said this is a possibility and a risk. Mayor Lester then pointed out that there is also the possibility that they'll get caught in the building if it catches on fire. Mr. Woodling said in order to have a fire, you must have fuel. Mayor Lester noted that the City required Flight Safety to sprinkle their facility, which houses no welding. He said he hesitates because every time an exception is made, there's always someone with a slightly different situation who wants an exception as well. Councilor Carter then commented that Flight Safety does work with flammable materials in their manufacturing process, whereas the products Exterran is manufacturing have no flammable components. Mayor Lester said he has some reservations, particularly about flammable items eventually finding their way into the facility. Mr. Woodling said they have a specific system for placing all items in the building to address this possibility. Mr. Wooden then said he would investigate further, and this item would then be addressed at the City Council meeting on the 19th.

<b>Motion:</b>	<b>Move to continue this item to the Council meeting of July 19th</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- B. Approval of and authorization to execute a Proclamation recognizing Lori Hill, City of Broken Arrow Tourism Director and Terri Cleveland, City of Broken Arrow Director of Intergovernmental Relations, for their success in planning and organizing the 2011 Oklahoma Conference of Mayors Summer Retreat sponsored by the Oklahoma Municipal League

**Item Minutes:** City Manager Dave Wooden said in early 2010 Lori Hill and Terri Cleveland began the work of putting together a package to get the Oklahoma Municipal League to bring the 2011 Oklahoma Conference of Mayors Summer Retreat to Broken Arrow; after winning the conference they then came up with a plan for the conference and accomplished all of the organizing, arranging, and necessary fund raising. He said mayors who attended said repeatedly it was the best conference they had ever been to.

<b>Motion:</b>	<b>Move to approve the Proclamation and authorize execution</b>
<b>Motion by:</b>	Jill Norman
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

Mayor Lester then commented that the Mayor's Conference went seamlessly from the beginning; he read the proclamation and presented it to Ms. Hill and Ms. Cleveland.

Mr. Woodling said they have a facility now that's not sprinkled, and explained that when welding, there is always the possibility of electrical shock and steam burns if the equipment should ever get wet. Councilor Norman asked if there was a sprinkler in any other part of the building, and Mr. Woodling said not in any of their fabrication facilities. He did say that they had a sprinkler system on site in their paint booth. Mr. Woodling said the code allowed for two exceptions to the sprinkler system requirement: if there are no flammables in the area, or if the sprinklers would pose a danger to the employees. He then asked Council to approve their appeal.

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Councilor Norman asked if this became an issue because the company wanted to expand their facility, and Mr. Wooden that was correct. He added that one option offered to Exterran was the construction of a firewall between the two parts of the facility which would reduce the square footage to a level under the limit for the sprinkler requirement. Mr. Wooden said he had not heard of the three facilities in other cities referenced by Mr. Johnson, and suggested to Council that he obtain information about them and come back to Council at the next meeting with more details. Councilor Norman asked if there were offices in this building, and Mr. Woodling said there is one at the front of the building, attached by a breezeway. He said the office is not sprinkled; only the paint boot is sprinkled. Councilor Thurmond asked why they didn't want to install a firewall; Mr. Woodling said a firewall would disrupt the flow of their manufacturing process. Mayor Lester asked Mr. Woodling if he was saying that the welders would be subject to electrocution if the sprinklers went off, and Mr. Woodling said this is a possibility and a risk. Mayor Lester then pointed out that there is also the possibility that they'll get caught in the building if it catches on fire. Mr. Woodling said in order to have a fire, you must have fuel. Mayor Lester noted that the City required Flight Safety to sprinkle their facility, which houses no welding. He said he hesitates because every time an exception is made, there's always someone with a slightly different situation who wants an exception as well. Councilor Carter then commented that Flight Safety does work with flammable materials in their manufacturing process, whereas the products Exterran is manufacturing have no flammable components. Mayor Lester said he has some reservations, particularly about flammable items eventually finding their way into the facility. Mr. Woodling said they have a specific system for placing all items in the building to address this possibility. Mr. Wooden then said he would investigate further, and this item would then be addressed at the City Council meeting on the 19th.

Motion: Move to continue this item to the Council meeting of July 19th

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

B. Approval of and authorization to execute a Proclamation recognizing Lori Hill, City of Broken Arrow Tourism Director and Terri Cleveland, City of Broken Arrow Director of Intergovernmental Relations, for their success in planning and organizing the 2011 Oklahoma Conference of Mayors Summer Retreat sponsored by the Oklahoma Municipal League

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Motion: Move to approve the Proclamation and authorize execution

Motion b Jill Norman

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Mayor Lester then commented that the Mayor's Conference went seamlessly from the beginning; he read the proclamation and presented it to Ms. Hill and Ms. Cleveland.

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Broken Arrow City Council

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

**Section Minutes:** Mr. David Robinson said he has been fighting for four years to get the vacant lots in his development maintained. He said the city sees that these lots are mowed about every six weeks after they reach a height of about 18 inches, but they can't be mowed as low as they should be due to trash and debris left by builders and contractors. Mr. Robinson said this has been a problem for 10 years; he thinks it's time to declare what the developer, builders, and contractors are doing to be a public nuisance so that they may be forced to do something about this problem.

Mr. Wooden then displayed photographs of the vacant lots in this development that were taken by code enforcement officers on the morning of July 5th. Although he agreed that they are not kept at the same level as someone's lawn, he said the City sees that they are kept up well, and he said they don't fit the nuisance criteria. Councilor Norman asked who owns the lots; Mr. Wooden said some are owned by Real Estate Investment Partnership and some by Shaw Homes. Councilor Thurmond asked who mows the lots, and Mr. Wooden said the builders and the developer mow them. Michael Skates, Director of Development Services, said the city has not had to mow any of the lots, but has had to clean up a couple of them. Councilor Norman asked why this becomes the City's responsibility; Mayor Lester responded that the City's code says anything over 12 inches is a nuisance. Councilor Thurmond asked Mr. Wooden if the lot owners are charged if the City has to mow, and Mr. Wooden said they are charged \$350 if they fail to mow and the City has to mow their lot.

Mr. Robinson then said this Homeowners' Association Covenants state that they will be enforced by the City; Mayor Lester said the City does not have the authority to enforce Homeowners' Association Covenants.

**9. General Council Business**

- A. Consideration of and possible approval of bids received and award of the lowest and best bid to Sherwood Construction Co., Inc., and to approve and authorize execution of a construction contract for construction of an interchange at the Creek Turnpike (Liberty Parkway) and Aspen Avenue

**Item Minutes:** City Manager Dave Wooden said this contract for an interchange at Aspen Avenue and the Creek Turnpike will be financed jointly by The Oklahoma Turnpike Authority, which has committed 1.75 million dollars, and the City of Broken Arrow, which will provide 3.875 million dollars. He said the lowest responsible bid came from Sherwood Construction Company. Mr. Wooden then recommended that Council approve the bids received, award the lowest and best bid to Sherwood Construction, and approve and authorize execution of this contract.

<b>Motion:</b>	<b>Move to approve the bids received and award the lowest and best to Sherwood Construction Company, Incorporated, and to approve and authorize execution of a construction contract for construction of an interchange at the Creek Turnpike and Aspen.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- B. Consideration and possible approval of Resolution No. 701, a Resolution of Necessity to condemn property located in the West Half of the Southeast Quarter (W/2 SE/4) of Section Two (2), Township Eighteen (18) North, Range Sixteen (16) East of the Indian Base and Meridian, Wagoner County, State of Oklahoma (36197 East 71st Street South, Broken Arrow, Wagoner County, Oklahoma - Water Supply Improvements)

**Item Minutes:** City Manager Dave Wooden said this item refers to 6.05 acres adjacent to the site of the new water plant. He said Mr. and Mrs. West declined an offer of \$30,000 from the City for this property. Mr. Wooden said after due consideration, Staff recommends that Council approve this Resolution for condemnation proceedings.

<b>Motion:</b>	<b>Move to approve Resolution Number 701</b>
<b>Motion by:</b>	Jill Norman
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

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Motion: Move to approve the bids received and award the lowest and best to Sherwood Construction Company, Incorporated, and to approve and authorize execution of a construction contract for construction of an interchange at the Creek Turnpike and Aspen.

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

B. Consideration and possible approval of Resolution No. 701, a Resolution of Necessity to condemn property located in the West Half of the Southeast Quarter W/2 SE/4) of Section Two 2), Township Eighteen 18) North, Range Sixteen 16) East of the Indian Base and Meridian, Wagoner County, State of Oklahoma 36197 East 71st Street South, Broken Arrow, Wagoner County, Oklahoma Water Supply Improvements)

Item Minutes: City Manager Dave Wooden said this item refers to 6.05 acres adjacent to the site of the new water plant. He said Mr. and Mrs. West declined an offer of \$30,000 from the City for this property. Mr. Wooden said after due consideration, Staff recommends that Council approve this Resolution for condemnation proceedings.

Motion: Move to approve Resolution Number 701

Motion b Jill Norman

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None



- C. Consideration of, possible approval and authorization to execute Resolution Number 702, a Resolution fixing the amount of bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law; Ratifying and confirming a Legal Services agreement and a Financial Advisor Services agreement with respect to the issuance of such bonds and approving the Preliminary Official Statement pertaining thereto

**Item Minutes:** City Manager Dave Wooden said this item and the next one concern the sale of bonds for funds. This item pertains to the 2008 Bond Issue, with proceeds of five million dollars to be used for street construction, primarily the widening of Elm Place from Kenosha to Houston. He said this Resolution authorizes the sale of bonds, and Staff asks that Council approve and authorize its execution.

<b>Motion:</b>	<b>Move to approve and authorize execution of Resolution 702</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- D. Consideration of, possible approval and authorization to execute Resolution Number 703, a Resolution fixing the amount of bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law; Ratifying and confirming a Legal Services agreement and a Financial Advisor Services agreement with respect to the issuance of such bonds and approving the Preliminary Official Statement pertaining thereto

**Item Minutes:** City Manager Dave Wooden said this is a continuation of the sale of General Obligation Bonds. He said the City had the capacity for 16.5 million dollars this time; the next group will be out of the 2011 Bond Issue as follows: 2.8 million dollars for construction and repair of streets; 7 million dollars for the Public Safety Complex; \$800,000 for parks, and \$850,000 for stormwater utilities. Mr. Wooden said all these projects were included in the 2011 Bond Issue, and said Staff asks that Council approve and authorize execution of this Resolution.

<b>Motion:</b>	<b>Move to approve and authorize the execution of Resolution Number 703</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- E. Consideration of and possible approval of Resolution No. 704 and authorization for the City Attorney to enter a Final Journal Entry of Judgment in matter of Gable Excavating, Inc., v. The City of Broken Arrow, et al., Tulsa County District Court Case Number CV-2011-00604

**Item Minutes:** City Manager Dave Wooden said this item is the final step in the elimination of the old Public Service Company of Oklahoma driveway on the Gable property, and will allow them to go into development of that section of their property. He asked that Council approve this Resolution.

<b>Motion:</b>	<b>Move to approve Resolution Number 704</b>
<b>Motion by:</b>	Jill Norman
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- F. Consideration, possible approval and authorization to execute Resolution 705, a Resolution declaring the necessity of a utility improvement assessment district to extend a waterline and sewer line through the proposed subdivision Highlands IV and to properties owned by the Broken Arrow Public Schools and the City of Broken Arrow and to improve the quality of service by providing a loop for a water system to a new waterline along Oneta Road and 91st Street and to require the City engineer to prepare and file preliminary plans and a preliminary estimate of cost of improvements and an assessment plat showing the area to be assessed

**Item Minutes:** City Manager Dave Wooden said this is the first of perhaps as many as 15 assessment district resolutions to be brought before Council in order to finance the extension of water and sewer lines to service the

C. Consideration of, possible approval and authorization to execute Resolution Number 702, a Resolution fixing the amount of bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law; Ratifying and confirming a Legal Services agreement and a Financial Advisor Services agreement with respect to the issuance of such bonds and approving the Preliminary Official Statement pertaining thereto

Item Minutes: City Manager Dave Wooden said this item and the next one concern the sale of bonds for funds. This item pertains to the 2008 Bond Issue, with proceeds of five million dollars to be used for street construction, primarily the widening of Elm Place from Kenosha to Houston. He said this Resolution authorizes the sale of bonds, and Staff asks that Council approve and authorize its execution.

Motion: Move to approve and authorize execution of Resolution 702

Motion b Craig Thurmond

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

D. Consideration of, possible approval and authorization to execute Resolution Number 703, a Resolution fixing the amount of bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law; Ratifying and confirming a Legal Services agreement and a Financial Advisor Services agreement with respect to the issuance of such bonds and approving the Preliminary Official Statement pertaining thereto

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Motion: Move to approve and authorize the execution of Resolution Number 703

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None 777~

E. Consideration of and possible approval of Resolution No. 704 and authorization for the City Attorney to enter a Final Journal Entry of Judgment in matter of Gable Excavating, Inc., v. The City of Broken Arrow, et al., Tulsa County District Court Case Number CV-2011-00604

Item Minutes: City Manager Dave Wooden said this item is the final step in the elimination of the old Public Service Company of Oklahoma driveway on the Gable property, and will allow them to go into development of that section of their property. He asked that Council approve this Resolution.

Motion: Move to approve Resolution Number 704

Motion b Jill Norman

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Crai Thurmond, Mike Lester

Nays: None

F. Consideration, possible approval and authorization to execute Resolution 705, a Resolution declaring the necessity of a utility improvement assessment district to extend a waterline and sewer line through the proposed subdivision Highlands IV and to properties owned by the Broken Arrow Public Schools and the City of Broken Arrow and to improve the quality of service by providing a loop for a water system to a new waterline along Oneta Road and 91st Street and to require the City engineer to prepare and file preliminary plans and a preliminary estimate of cost of improvements and an assessment plat showing the area to be assessed

Item Minutes: City Manager Dave Wooden said this is the first of perhaps as many as 15 assessment district

resolutions to be brought before Council in order to finance the extension of water and sewer lines to service the  
July 5, 2011

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School District's new complex to be constructed on Oneta between Washington and Houston. He said the Forest Ridge property owners, the school district, and the City have all agreed to participate; he then asked Council to approve this resolution and authorize its execution.

<b>Motion:</b>	<b>Move to approve Resolution Number 705 and authorize its execution</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- G. Consideration and possible approval to reduce the Downtown Advisory Board (DAB) meetings to once a month during the summer (July and August) with the option to hold a special 2nd meeting, if warranted

**Item Minutes:** City Manager Dave Wooden said City Staff has recommended that the Downtown Advisory Board reduce their meetings to once per month during July and August, primarily due to the number of people that will be out-of-town, but also due to the fact that a number of subcommittees are working to bring information to the Board. He said the Board met on June 28th and recommended that they meet only once a month during July and August, and asked that Council approve this change.

<b>Motion:</b>	<b>Move to reduce the Downtown Advisory Board meetings to one per month during July and August</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

**10. City Manager's Report**

**Section Minutes:** There was no City Manager's report.

**11. Preview Ordinances**

- A. An ordinance amending the City of Broken Arrow Land Subdivision Code Section 4.1.w, related to right-of-way dedication at arterial street intersections

**Item Minutes:** City Attorney Beth Anne Wilkening stated the information contained in the Fact Sheet included in the Agenda Packet. She said this change is for preview and requested that it be set for adoption at the next Council meeting.

<b>Motion:</b>	<b>Move to set for adoption at the next Council meeting</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

**12. Ordinances**

- A. Adopt Ordinance No. 3164 - Corrected, an ordinance partially closing a utility easement dedicated to the public located on Lot 1 Block 2, approximately one half mile north of Washington Street (91st Street South) and on the east side of South Garnett Road, in The Villages at Wood Creek III, a subdivision in the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof; and providing for reservation of rights within the closed easement (S17 T18N R14E) (The Villages at Wood Creek)

**Item Minutes:** City Attorney Beth Anne Wilkening said Ordinance No. 3164 was adopted on June 6th, 2011, but after its adoption, a scrivener's error was found in the ordinance. She said this error will be corrected with the

School District's new complex to be constructed on Oneta between Washington and Houston. He said the Forest Ridge property owners, the school district, and the City have all agreed to participate; he then asked Council to approve this resolution and authorize its execution.

Motion: Move to approve Resolution Number 705 and authorize its execution

Motion b Craig Thurmond

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

G. Consideration and possible approval to reduce the Downtown Advisory Board (DAB) meetings to once a month during the summer (July and August) with the option to hold a special 2nd meeting, if warranted

Item Minutes: City Manager Dave Wooden said City Staff has recommended that the Downtown Advisory Board reduce their meetings to once per month during July and August, primarily due to the number of people that will be out-of-town, but also due to the fact that a number of subcommittees are working to bring information to the Board. He said the Board met on June 28th and recommended that they meet only once a month during July and August, and asked that Council approve this change.

Motion: Move to reduce the Downtown Advisory Board meetings to one per month during July and August

Motion b Richard Carter

Second b Craig Thurmond

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: one

10. City Manager's Report

Section Minutes: There was no City Manager's report.

11. Preview Ordinances

A. An ordinance amending the City of Broken Arrow Land Subdivision Code Section 4.1 w, related to right-of-way dedication at arterial street intersections

Item Minutes: City Attorney Beth Anne Wilkening stated the information contained in the Fact Sheet included in the Agenda Packet. She said this change is for preview and requested that it be set for adoption at the next Council meeting.

Motion: Move to set for adoption at the next Council meeting

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

12. Ordinances

A. Adopt Ordinance No. 3164 Corrected, an ordinance partially closing a utility easement dedicated to the public located on Lot 1 Block 2, approximately one half mile north of Washington Street (91st Street South) and on the east side of South Garnett Road, in The Villages at Wood Creek III, a subdivision in the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof; and providing for reservation of rights within the closed easement (S17 T18N R14E) The Villages at Wood Creek)

Item Minutes: City Attorney Beth Anne Wilkening said Ordinance No. 3164 was adopted on June 6th, 2011, but after its adoption, a scrivener's error was found in the ordinance. She said this error will be corrected with the Broken Arrow City Council Page 6 of 7 July 5, 2011

adoption of Ordinance No. 3164 corrected.

<b>Motion:</b>	<b>Move to adopt Ordinance Number 3164 as corrected</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- B. Adopt Ordinance No. 3166, an ordinance closing partial utility easements, located approximately one quarter mile east of Mingo Road (97th East Avenue) and one quarter mile north of Florence Street (111th East Avenue) in Lot Seven (7), Block Six (6), Berwick Fairways I, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency

**Item Minutes:** City Attorney Beth Anne Wilkening said this item was not previewed at the last meeting due to a Staff error, but Staff decided to accommodate this request to close several utility easements in order to assist the individual purchasing this property as well as the builder. Ms. Wilkening also said the parties involved have agreed to pay for Staff time spent on this issue

<b>Motion:</b>	<b>Move to adopt Ordinance Number 3166</b>
<b>Motion by:</b>	Jill Norman
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to adopt the Emergency Clause for Ordinance Number 3166</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

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

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

- 14. Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the City Attorney, and the Human Resources Director for the purpose of discussing the FOP, CWA, and IAFF employee union groups and fiscal year 2012 negotiations, under 25 O.S. §307(B)(2) and taking appropriate action in open session. 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 Executive Session was pulled from the agenda. There was no Executive Session held and no action was required or taken.

**15. Adjournment**

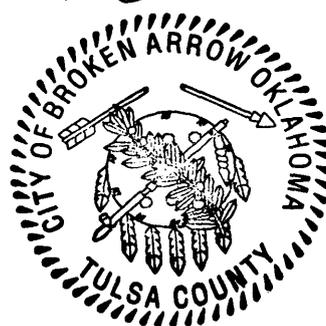
**Section Minutes:** The meeting adjourned at approximately 7:24 p.m.

<b>Motion:</b>	<b>Move to adjourn</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

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Mayor

  
Broken Arrow City Council

Attest:  
  
City Clerk



adoption of Ordinance No. 3164 corrected.

Motion: Move to adopt Ordinance Number 3164 as corrected

Motion b Richard Carter

Second b Craig Thurmond

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

B. Adopt Ordinance No. 3166, an ordinance closing partial utility easements, located approximately one quarter mile east of Mingo Road 97th East Avenue) and one quarter mile north of Florence Street 111th East Avenue) in Lot Seven 7), Block Six 6), Berwick Fairways 1, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening said this item was not previewed at the last meeting due to a Staff error, but Staff decided to accommodate this request to close several utility easements in order to assist the individual purchasing this property as well as the builder. Ms. Wilkening also said the parties involved have agreed to pay for Staff time spent on this issue

Motion: Move to adopt Ordinance Number 3166

Motion b Jill Norman

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

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Motion: Move to adopt the Emergency Clause for Ordinance Number 3166

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

13. Remarks and Inquiries by Governing Body Members

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

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the City Attorney, and the Human Resources Director for the purpose of discussing the FOP, CWA, and IAFF employee union groups and fiscal year 2012 negotiations, under 25 O.S. 307(B)(2) and taking appropriate action in open session. 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 Executive Session was pulled from the agenda. There was no Executive Session held and no action was required or taken.

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:24 p.m.

Motion: Move to adjourn

Motion b Craig Thurmond

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

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July 5, 2011

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