

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

**January 19, 2010**  
**6:30 PM**

**1. Call to Order**

**Section Minutes:** The Mayor 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:** Councilor McCaleb led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Lester said that Item 5A needs to be removed from Consent in order to table until the February 2, 2010 meeting, for some changes and that Items 5G, 5H, and 5I also need to be removed in order to table until after the Broken Arrow Municipal Authority meeting. Councilor McCaleb asked to remove Item 5B for separate consideration.

Mayor Lester asked if there were any other items to remove from the Consent Agenda. There were none.

<b>Motion:</b>	<b>Move to approve the Consent Agenda except for Items 5A, 5B, 5G, 5H, 5I</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- A. Approval of regular meeting minutes of January 5, 2010
- B. Approval of special joint City Council and Broken Arrow Municipal Authority meeting minutes of January 11, 2010
- C. Acceptance of the minutes of the Planning Commission meeting held December 17, 2009.
- D. Approval of and authorization to execute Budget Amendment Number 9 (Corrected) for Fiscal Year 2009-2010
- E. Approval of dissolution of the Downtown Facade Renovation Loan Committee
- F. Ratify change for agenda item "Citizens Opportunity to Address Council" removing the designated time of 7:00 p.m. in order to allow the item to be heard more timely and conveniently for citizens wishing to speak
- G. Ratify RMUA Professional Engineering Services Agreement with Mehlberger Brawley, Inc. for construction inspection services associated with Aerator Repairs at the Haikey Creek Wastewater Treatment Plant
- H. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

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Roll Call

Lester

Crai TM1Uemo~ PM1ili Tucker, Richard Carter, Richard Can<rWade McCaleb and Mike Wade McCaleb and Mike Lester

Present: Craig Thurmond, Philip Tucker,

None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor McCaleb led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester said that Item 5A needs to be removed from Consent in order to table until the February 2, 2010 meeting, for some changes and that Items 5G, 5H, and 5I also need to be removed in order to table until after the Broken Arrow Municipal Authority meeting. Councilor McCaleb asked to remove Item SB for separate consideration.

Mayor Lester asked if there were any other items to remove from the Consent Agenda. There were none.

Motion: Move to approve the Consent Agenda except for Items 5A, 5B, 5G, 5H, 5I

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

A. Approval of regular meeting minutes of January 5, 2010

B. Approval of special joint City Council and Broken Arrow Municipal Authority meeting minutes of January 11, 2010

C. Acceptance of the minutes of the Planning Commission meeting held December 17, 2009.

D. Approval of and authorization to execute Budget Amendment Number 9 Corrected) for Fiscal Year 2009-2010

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F. Ratify change for agenda item Citizens Opportunity to Address Council" removing the designated time of 7:00 p.m. in order to allow the item to be heard more timely and conveniently for citizens wishing to speak

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H. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

# Broken Arrow City Council Agenda Page 1 of 7 January 19, 2010

- I. Ratify Amendment No. 1 to RMUA Professional Services Agreement with Tetra Tech, Inc., for preliminary and final design and services during construction associated with improvements to the Haikey Creek Lift Station
- J. Approval to reject bids received for the purchase of a fairway mower for Battle Creek Golf Club and request authorization to seek the acquisition of a used mower
- K. PUD 74A, Aspen Square, 9.26 acres, northeast corner of Aspen Avenue (145th East Avenue) and Washington Street (91st Street)
- L. Approval of the Claims List

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

**Section Minutes:** Items 5A, 5B, 5G, 5H, and 5I were removed from the Consent Agenda for separate consideration.

5A. Approval of regular meeting minutes of January 5, 2010

<b>Motion:</b>	<b>Move to table Item 5A until the February 2, 2010 meeting</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

5B. Approval of special joint City Council and Broken Arrow Municipal Authority meeting minutes of January 11, 2010

<b>Motion:</b>	<b>Move to approve special joint City Council and Broken Arrow Municipal Authority meeting minutes of January 11, 2010</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None
<b>Abstain:</b>	Wade McCaleb

- 5G. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant
- 5H. Ratify RMUA Professional Engineering Services Agreement with Mehlberger Brawley, Inc. for construction inspection services associated with Aerator Repairs at the Haikey Creek Wastewater Treatment Plant
- 5I. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

<b>Motion:</b>	<b>Move to table Items 5G, 5H, 5I until after the Broken Arrow Municipal Authority meeting</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

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

A. Award: Approval and presentation of the "Employee of the Quarter" award recognizing Gerald Young for the term October through December 2009

**Item Minutes:** Mayor Lester presented the "Employee of the Quarter" award to Gerald Young for his outstanding work in Building Maintenance, General Services Department. Mr. Young is an experienced carpenter and his work has not only saved the City money but is worthy of special recognition for the exceptional quality, especially his recent work on the cabinetry and counters built during the Police Department remodel and also his work at Central Park Community Center. Mayor Lester said it is an honor to recognize Mr. Young as "Employee of the Quarter".

<b>Motion:</b>	<b>Move to approve award of the "Employee of the Quarter" award recognizing Gerald Young for the term October through December 2009</b>
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I. Ratify Amendment No. 1 to RMUA Professional Services Agreement with Tetra Tech, Inc., for preliminary and final design and services during construction associated with improvements to the Haikey Creek Lift Station

J. Approval to reject bids received for the purchase of a fairway mower for Battle Creek Golf Club and request authorization to seek the acquisition of a used mower

K. PUD 74A, Aspen Square, 9.26 acres, northeast corner of Aspen Avenue 145th East Avenue) and Washington Street 91st Street)

L. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: Items 5A, 5B, 5G, 5H, and 5I were removed from the Consent Agenda for separate consideration.

5A. Approval of regular meeting minutes of January 5, 2010

5G.

Motion: Move to table Item 5A until the February 2, 2010 meeting

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

5B. Approval of special joint City Council and Broken Arrow Municipal Authority meeting minutes of January 11, 2010

Motion: Move to approve special joint City Council and Broken Arrow Municipal Authority meeting minutes of January 11, 2010

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

Abstain: Wade McCaleb

Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening

Improvements at the Haikey Creek Wastewater Treatment Plant

5H. Ratify RMUA Professional Engineering Services Agreement with Mehlberger Brawley, Inc. for construction inspection services associated with Aerator Repairs at the Haikey Creek Wastewater Treatment Plant

5I. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

Motion: Move to table Items 5G, 5H, 5I until after the Broken Arrow Municipal Authority meeting

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

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

A. Award: Approval and presentation of the Employee of the Quarter" award recognizing Gerald Young for the term October through December 2009

Item Minutes: Mayor Lester presented the Employee of the Quarter" award to Gerald Young for his outstanding work in Building Maintenance, General Services Department. Mr. Young is an experienced carpenter and his work has not only saved the City money but is worthy of special recognition for the exceptional quality, especially his recent work on the cabinetry and counters built during the Police Department remodel and also his work at Central Park Community Center. Mayor Lester said it is an honor to recognize Mr. Young as Employee of the Quarter".

Motion:

recognizing Gerald Young for the term October through December 2009 J

Move to approve award of the Employee of the Quarter" award

Broken Arrow City Council Agenda Page 2 of 7 January 19, 2010

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

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

**Section Minutes:** There were no citizen requests to speak.

**9. General Council Business**

**A. Adoption of FEMA floodplain mapping revision policy**

**Item Minutes:** Mr. Wooden presented this item by reviewing the details contained in the Fact Sheet provided in the agenda packet. He said that recent adoption of updated Tulsa County FEMA Floodplain Maps on August 3, 2009, has raised several issues with effective 100-year floodplain boundaries and depths, specifically the revised maps have numerous areas where 100-year floodplain depths and floodplain widths have increased onto properties that were not previously mapped within the floodplain; and, staff recommends that a policy is needed to provide a consistent response to affected property owners on this issue and to guide staff involvement in FEMA mapping revision projects. He said these projects would strictly consist of survey elevation shots and FEMA application forms prepared for floodplain map changes and would not involve detailed hydrology or hydraulics revisions of the current floodplain studies; and, floodplain mapping revision projects would be coordinated by the Stormwater Management Division of the Engineering and Construction Department with those projects which require expenditures funded out of the Broken Arrow Stormwater Utility.

<b>Motion:</b>	<b>Move to approve adoption of FEMA floodplain mapping revision policy</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Richard Carter, Wade McCaleb, Craig Thurmond, Philip Tucker, Mike Lester
<b>Nays:</b>	None

**B. BACP 107, 119.58 acres, 1 lot, Levels 2, 3 and 4 to Level 6, west of State Highway 51 and the Creek Turnpike, north of Washington Street (91st Street)**

**Item Minutes:** City Planning Department manager, Mr. Farhad Daroga reviewed the details contained in the Fact Sheet provided in the agenda packet. He stated that BACP 107 is a request to change 119.58 acres presently designated as Levels 2, 3, and 4 to Level 6 and the Comprehensive Plan change is only being requested on 119.58, an unplatted property which is located west of State Highway 51 and the Creek Turnpike, north of Washington Street, is presently zoned A-1. He added that the Planning Commission, in their meeting of December 17, 2009, reviewed and recommended approval of BACP 107.

The Applicant, Mr. Brooks Pittman, stated that meeting were held with homeowners in the north portion of the neighborhood and those in attendance at that meeting voiced concerns regarding noise, drainage and traffic resulting from the proposed light industrial development. Mr. Pittman said the concerns were addressed and that the development of light industrial must abide by the regulations and requirements that apply. He added there were residents abutting the property that supported the development.

Mayor Lester stated that 91 signatures were received from people in opposition to BACP 107. He added that another five citizens did not wish to speak but wanted to record their opposition. Another 5 citizens wished to speak in opposition. There was one citizen requesting to speak in support of BACP 107. Mayor Lester called the first speaker.

Mr. Stacy Harden spoke in opposition to BACP 107 stating that he submitted a petition to the City Clerk with signatures of residents in opposition to the project. He said that property values will be lowered by the development of light industrial. He referenced a letter that he stated residents received from the developer and that in the letter, the developer informed the residents that the land would be developed as single family residential if the light industrial development was not approved. Mr. Harden said that single family residential is exactly what residents want and single family residential will benefit their neighborhood and home values. He said it makes sense that the current Comprehensive Plan does not put Level 6 next to Levels 2 and

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

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Motion: Move to approve adoption of FEMA flood plain mapping revision policy

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

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3 and he stated that this sensible reasoning should be maintained and the light industrial should not abut their homes.

Mr. Scott McFadden spoke in support of BACP 107 stating that the land in question was once an attractive greenbelt but over the years the land has been neglected and has become overgrown, invites teenagers and strangers as well as dirt bikes which are used at early and late hours and make their backyards noisy; and, the overgrown conditions bring coyotes and other animals to the area, and there are grass fires – at least a couple every year. Mr. McFadden added that the proposed changes will remove the problems caused by the neglected condition of the land, will not lower home values and he supports BACP 107.

Mr. Harold Ball spoke in opposition to BACP 107 stating that he was concerned about light industrial development due to the noxious smells, noise and other nuisances that could result from activities at the businesses. Councilor Carter said that the businesses have to abide by restrictions and regulations that apply to light industrial development.

Ms. Janice Bart spoke in opposition stating that she is concerned that her property value will be affected and encouraged Council to vote as if the development was going in next to their neighborhood.

Ms. Lana Dickenson spoke in opposition stating that they did their due diligence before buying their home and believe that the proposed changes and light industrial development will lower their home value and impact their home negatively.

<b>Motion:</b>	<b>Move to approve BACP 107, 119.58 acres, 1 lot, Levels 2, 3 and 4 to Level 6, west of State Highway 51 and the Creek Turnpike, north of Washington Street (91st Street)</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

- C. Appointment of a Planning Commission Representative and City Council Representative, and submission of seven citizens, three of whom will represent the public at large, to a Review Committee to consider a project and a Tax Increment District for the FlightSafety Project under the Local Development Act Increment District for the FlightSafety Project under the Local Development Act

**Item Minutes:** City Attorney, Ms. Beth Anne Wilkening, presented this item and provided the background information contained in the Fact Sheet provided in the agenda packet. She said that City staff has been working with Flight Safety International for the relocation of their facilities to a 17-acre site located on the southwest corner of Kenosha and Lynn Lane on an area commonly known as Tiger Hill. She added that retention of FlightSafety's local operations is of great importance to the City of Broken Arrow and its residents because FlightSafety information indicates 687 employees in 2008 with a total payroll of \$41,000,000.00 and the company made local purchases totaling \$45,000,000.00. She said that with the expansion, FlightSafety representatives are predicting an increase of approximately 313 employees with a payroll of \$61,000,000.00.

Ms. Wilkening explained that in order for this project to be feasible, it is necessary to construct public infrastructure, including water, sanitary sewer and street improvements; and, without installation of these improvements with the assistance of tax increment financing and other economic incentives, the project will likely not take place. Ms. Wilkening said that Resolution 638 adopted on January 5, 2010, declared the Council's intent to consider approval of a project and creation of a tax increment district under the Local Development Act and it also directed preparation of a Project Plan and appointment of a Review Committee.

Ms. Wilkening stated that by Statute, the Review Committee consists of one representative of the Broken Arrow City Council who serves as chairperson and one representative of the Broken Arrow Planning Commission. It also consists of one representative from Tulsa County, Independent School District No. 3, Tulsa City-County Health Department, Tulsa Community College, Technology Center District, and the Tulsa City-County Library System. Three representatives of the public at large will be selected by other Review Committee members from a list of seven names submitted by the Chairperson.

Ms. Wilkening explained that the Council needs to appoint one Planning Commission Member, one City Council Member, and submit the names of seven citizens for

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Motion: Move to approve BACP 107, 119.58 acres, 1 lot, Levels 2, 3 and 4 to Level 6, west of State Highway 51 and the Creek Turnpike, north of Washington Street 91st Street)

Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

C. Appointment of a Planning Commission Representative and City Council Representative, and submission of seven citizens, three of whom will represent the public at large, to a Review Committee to consider a project and a Tax Increment District for the FlightSafety Project under the Local Development Act Increment District for the FlightSafety Project under the Local Development Act

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Ms. Wilkening explained that the Council needs to appoint one Planning Commission Member, one City Council Member, and submit the names of seven citizens for

consideration by the TIF Review Committee and, that three of the seven citizens will be selected by the remaining Review Committee Members for service. She said the TIF Committee previously assembled to consider the Industrial Park functioned very well, and as a result of the prior experience of the members, she said her recommendation is that the same members be considered as follows:

Ricky Jones representing the Planning Commission and Wade McCaleb representing the City Council; and, the same citizens submitted by the Council - Dr. Donald Roulet, Douglas D. Draeger, Timothy J. Hendricks, Philip Alan Bryce, Krystal Jean Jordan, Stan Green, and Delbert Frieze. She added that Mr. Hendricks, Mr. Bryce and Mr. Frieze were appointed by the other members to serve on the committee.

Councilor Carter said Mr. Roulet is not available to serve and asked that his name be taken off the consideration list.

Ms. Wilkening summarized the staff recommendation as follows:

1. Appoint Ricky Jones to serve as the Planning Commission representative.
2. Appoint Wade McCaleb to serve as the City Council representative.
3. Submit Dr. Donald Roulet, Douglas D. Draeger, Timothy J. Hendricks, Philip Alan Bryce, Krystal Jean Jordan, Stan Green, and Delbert Frieze for consideration by the TIF Review Committee. Mr. Hendricks, Mr. Bryce and Mr. Frieze were appointed by the other members to serve on the committee.

<b>Motion:</b>	<b>Move to approve</b> appointment of Ricky Jones to serve as the Planning Commission representative.
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve</b> appointment of Wade McCaleb to serve as the City Council representative.
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None
<b>Abstain:</b>	Wade McCaleb
<b>Motion:</b>	<b>Move to submit</b> Dr. Donald Roulet, Douglas D. Draeger, Timothy J. Hendricks, Philip Alan Bryce, Krystal Jean Jordan, Stan Green, and Delbert Frieze. Mr. Hendricks, Mr. Bryce and Mr. Frieze for consideration by the TIF Review Committee.
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

**10. City Manager's Report**

- A. None

**11. Preview Ordinances**

- A. An ordinance partially closing a utility easement located on lot 3 block 1 Stonebridge Park an addition to the City of Broken Arrow, Tulsa County

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

**12. Ordinances**

- A. An ordinance amending Chapter 25, Article I Section 25-5 and Article V of the Stormwater Management Section of Broken Arrow Code, by revising purposes and duties of the stormwater drainage board, adding a stormwater illicit discharges section, adding a low impact development section, adding a post-construction stormwater impacts section,

consideration by the TIF Review Committee and, that three of the seven citizens will be selected by the remaining Review Committee Members for service. She said the TIF Committee previously assembled to consider the Industrial Park functioned very well, and as a result of the prior experience of the members, she said her recommendation is that the same members be considered as follows:  
Ricky Jones representing the Planning Commission and Wade McCaleb representing the City Council; and, the same citizens submitted by the Council Dr. Donald Roulet, Douglas D. Draeger, Timothy J. Hendricks, Philip Alan Bryce, Krystal Jean Jordan, Stan Green, and Delbert Frieze. She added that Mr. Hendricks, Mr. Bryce and Mr. Frieze were appointed by the other members to serve on the committee.  
Councilor Carter said Mr. Roulet is not available to serve and asked that his name be taken off the consideration list.

Ms. Wilkening summarized the staff recommendation as follows:

1. Appoint Ricky Jones to serve as the Planning Commission representative.
2. Appoint Wade McCaleb to serve as the City Council representative.
3. Submit Dr. Donald Roulet, Douglas D. Draeger, Timothy J. Hendricks, Philip Alan Bryce, Krystal Jean Jordan, Stan Green, and Delbert Frieze for consideration by the TIF Review Committee. Mr. Hendricks, Mr. Bryce and Mr. Frieze were appointed by the other members to serve on the committee.

Motion: Move to approve appointment of Ricky Jones to serve as the Planning Commission representative.

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

Motion: Move to approve appointment of Wade McCaleb to serve as the City Council representative.

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Abstain: Wade McCaleb

Motion: Move to submit Dr. Donald Roulet, Douglas D. Draeger, Timothy J. Hendricks, Philip Alan Bryce, Krystal Jean Jordan, Stan Green, and Delbert Frieze. Mr. Hendricks, Mr. Bryce and Mr. Frieze for consideration by the TIF Review Committee.

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

10. City Manager's Report

A. None

## 11. Preview Ordinances

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Motion: Move to pass preview ordinance to next Council meeting and set for adoption.

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

## 12. Ordinances

A. An ordinance amending Chapter 25, Article I Section 25-5 and Article V of the Stormwater Management Section of Broken Arrow Code, by revising purposes and duties of the stormwater drainage board, adding a stormwater illicit discharges section, adding a low impact development section, adding a post-construction stormwater impacts section, Broken Arrow City Council Agenda Page 5 of 7 January 19, 2010

repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency

<b>Motion:</b>	<b>Move to adopt Ordinance 3090, an ordinance amending Chapter 25, Article I Section 25-5 and Article V of the Stormwater Management Section of Broken Arrow Code, by revising purposes and duties of the stormwater drainage board, adding a stormwater illicit discharges section, adding a low impact development section, adding a post-construction stormwater impacts section, repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve the Emergency Clause for Ordinance 3090</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

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

Councilor Carter, Ward 1, stated that he selected Stara Newton, a junior at Broken Arrow High School, to serve as an Intern on the Youth City Council. Councilor requested that appointment of Stara Newton be placed on the February 2, 2010 agenda.

At 7:16 p.m., Mayor McCaleb asked for a motion to recess into the Broken Arrow Municipal Authority (BAMA). [The Broken Arrow Economic Development Authority (BAEDA) meeting is cancelled this evening].

<b>Motion:</b>	<b>Move to recess in order to enter into the BAMA</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

At 7:18 p.m., Mayor Lester reconvened the regular session of the Council meeting and said that Council will now consider Items 5G, 5H, and 5I.

5G. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

<b>Motion:</b>	<b>Move to Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

5H. Ratify RMUA Professional Engineering Services Agreement with Mehlberger Brawley, Inc. for construction inspection services associated with Aerator Repairs at the Haikey Creek Wastewater Treatment Plant

<b>Motion:</b>	<b>Move to Ratify RMUA Professional Engineering Services Agreement with Mehlberger Brawley, Inc. for construction inspection services associated with Aerator Repairs at the Haikey Creek Wastewater Treatment Plant</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None



repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency

Motion: Move to adopt Ordinance 3090, an ordinance amending Chapter 25, Article I Section 25-5 and Article V of the Stormwater Management Section of Broken Arrow Code, by revising purposes and duties of the stormwater drainage board, adding a stormwater illicit discharges section, adding a low impact development section, adding a post-construction stormwater impacts section, repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

Motion: Move to approve the Emergency Clause for Ordinance 3090

Motion b Wade McCaleb

Second b Philip Tucker

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

Nays: None

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

Councilor Carter, Ward 1, stated that he selected Stara Newton, a junior at Broken Arrow High School, to serve as an Intern on the Youth City Council. Councilor requested that appointment of Stara Newton be placed on the February 2, 2010 agenda.

At 7:16 p.m., Mayor McCaleb asked for a motion to recess into the Broken Arrow Municipal Authority BAMA). The Broken Arrow Economic Development Authority BAEDA) meeting is cancelled this evening].

Motion: Move to recess in order to enter into the BAMA

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

At 7:18 p.m., Mayor Lester reconvened the regular session of the Council meeting and said that Council will now consider Items 5G, 5H, and 5I.

5G. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

Motion: Move to Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

Motion b Craig Thurmond

Second b Philip Tucker

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

Nays: None

5H. Ratify RMUA Professional Engineering Services Agreement with Mehlberger Brawley, Inc. for construction inspection services associated with Aerator Repairs at the Haikey Creek Wastewater Treatment Plant

Motion: Move to Ratify RMUA Professional Engineering Services Agreement with Mehlberger Brawley, Inc. for construction inspection services associated with Aerator Repairs at the Haikey Creek Wastewater Treatment Plant

Motion b Craig Thurmond

Second b Philip Tucker

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

Nays: None

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- 5I. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

<b>Motion:</b>	<b>Move to recess in order to enter into the BAMA</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

At 7:19 p.m., Mayor Lester asked for a motion to take a short break in order to clear the room prior to entering into Executive Session.

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

At 7:23 p.m., Mayor Lester reconvened the regular Council session.

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

14. **Executive Session** for the purpose of confidential communications between the City Attorney, the City Manager, and the City Council regarding the grievance arbitration and award of Juan Jenkins, an employee of the City of Broken Arrow, and taking appropriate action in open session, 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 Council to process this claim and handle the pending proceeding 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:** At 7:40 p.m., Mayor Lester reconvened the regular Council session and the room was opened for public attendance.

<b>Motion:</b>	<b>Move to authorize staff to proceed as directed with regard to the Jenkins arbitration.</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Craig Thurmond, Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

15. **Adjournment**

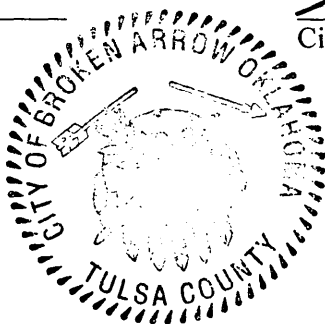
**Section Minutes:** The meeting adjourned at 7:42 p.m.

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

\_\_\_\_\_  
Mayor

Attest:

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



51. Ratify RMUA Professional Engineering Services agreement with Mehlberger Brawley, Inc., for construction inspection services associated with Sludge Thickening Improvements at the Haikey Creek Wastewater Treatment Plant

Motion: Move to recess in order to enter into the BAMA

Motion b Craig Thurmond

Second b Philip Tucker

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

Nays: None

At 7:19 p.m., Mayor Lester asked for a motion to take a short break in order to clear the room prior to entering into Executive Session.

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

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

At 7:23 p.m., Mayor Lester reconvened the regular Council session.

Motion: Move to enter into Executive Session

Motion b Philip Tucker

Second b Wade McCaleb

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

Nays: None

14. Executive Session for the purpose of confidential communications between the City Attorney, the City Manager, and the City Council regarding the grievance arbitration and award of Juan Jenkins, an employee of the City of Broken Arrow, and taking appropriate action in open session, 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 Council to process this claim and handle the pending proceeding 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: At 7:40 p.m., Mayor Lester reconvened the regular Council session and the room was opened for public attendance.

Motion: Move to authorize staff to proceed as directed with regard to the Jenkins arbitration.

Motion b Philip Tucker

Second b Wade McCaleb

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at 7:42 p.m.

Motion: Move to adjourn

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

Attest:

Mayor

City Clerk

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