

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
February 2, 2010**

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: Mayor Lester led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to remove from the Consent Agenda. There being none, he asked for a motion to approve.

Motion:	Move to approve the Consent Agenda as presented
Motion by:	Wade McCaleb
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

- A. Approval of regular meeting minutes of January 5, 2010
- B. Approval of regular meeting minutes of January 19, 2010
- C. Acceptance of the minutes of the Planning Commission meeting held January 14, 2010.
- D. Consideration and possible approval of a letter to support PSO's Wind and Solar Manufacturer Tariff
- E. Approval of Architect-Engineer contract with Planning Design Group, Inc. for design of a Spray Playground at Jackson Park, Project No. 106030
- F. BACP 108, 13.66 acres, 1 lot, Level 3 to Level 4, south of Kenosha Street (71st Street), west of Evans Road (225th East Avenue)
- G. PT09-104, preliminary/conditional final Plat, Moore Center, 5.96 acres, 2 lots, R-1, CG (BAZ 1837), one-fourth mile west of the southwest corner of Olive Avenue (129th East Avenue) and Kenosha Street (71st Street)
- H. PT09-105, preliminary/conditional final plat for CVS #4896, 1.74 acres, 1 lot, CN and CN/PUD 74, northeast corner of Washington Street (91st Street) and Aspen Avenue (145th East Avenue).
- I. PT09-106, preliminary/conditional final plat for Castlegate Amended, 6.65 acres, 25 lots, ON/PUD 120B, one-fourth mile north of Washington Street (91st Street), one-fourth mile east of Garnett Road (113th East Avenue)
- J. Acceptance of a utility easement and right-of-way located in the Southwest Quarter of Section 15, Township 18N, Range 14E, from Lucky 4 Holdings, LLC, M.M.O. LLC, and R.H.M., LLC, by Tommy Woods, Manager and Aspen Square, Inc. by R. Carlile Roberts, President (S15 T18N R14E) project: CVS Pharmacy)
- K. Acceptance of Public Improvement for Foster Lewis Acreage/Smith Lot Split
- L. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items removed from the Consent Agenda.

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

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Absent: None

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Section Minutes: Mayor Lester asked if there were any items to remove from the Consent Agenda. There being none, he asked for a motion to approve.

Motion: Move to approve the Consent Agenda as presented

Motion by: Wade McCaleb

Second by: Philip Tucker

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

Nays: None

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

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Section Minutes: There were no items removed from the Consent Agenda.

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

Broken Arrow City Council Agenda Page 1 of 14 February 2, 2010

A. None

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

Section Minutes: Mr. Mark Turner spoke regarding the drainage work on 201st furthest north in Amended Glen Eagles stating that there is no drainage and asking if there is a time frame for the drainage work that is planned for that area. City Manager. Mr. Dave Wooden. stated that he will have someone in Engineering and Construction get in touch with Mr. Turner regarding the planned work and a time frame.

9. General Council Business

A. Consideration and possible approval of Resolution No. 639 supporting funding for design and construction of the proposed Aspen Avenue and Creek Turnpike interchange

Item Minutes: Mr. Wooden reviewed the details as presented in the Fact Sheet available in the agenda packet.

Motion:	Move to approve Resolution No. 639 supporting funding for design and construction of the proposed Aspen Avenue and Creek Turnpike interchange
Motion by:	Wade McCaleb
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

B. Acceptance of representatives from the Taxing Jurisdictions for a Review Committee to consider a project and a Tax Increment District for the FlightSafety Project under the Local Development Act.

Item Minutes: City Attorney, Ms. Beth Anne Wilkening, presented the details as set forth in the Fact Sheet provided in the agenda packet.

Motion:	Move to accept representatives from the Taxing Jurisdictions for a Review Committee to consider a project and a Tax Increment District for the FlightSafety Project under the Local Development Act
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Philip Tucker, Mike Lester
Nays:	None

C. Submission of one citizen, among three of who 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

Item Minutes: Councilor Carter nominated Patrick Bell. He said Mr. Bell is very active in the business community. Councilor McCaleb requested Mr. Bell's resume.

Motion:	Move to approve nomination of Mr. Patrick Bell to as one citizen, among three of who 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
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

D. Consideration and acceptance of the City of Broken Arrow's Audit Report for Fiscal Year 2008-2009

Item Minutes: Mr. Nathan Rosman, Hogan Taylor, LLP, presented the findings from the City's audited financial statements for Fiscal Year 2008-2009. Mr. Rosman stated that the audit received a clean opinion and the audit results were unqualified.

Motion:	Move to accept the City of Broken Arrow's Audit Report for Fiscal Year 2008-2009
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

E. Approval of appointment of Jim Boze to Broken Arrow Economic Development Corporation Board of Directors to replace Ed Huckleby

Item Minutes: Mr. Wooden presented the details provided in the Fact Sheet made available in the agenda packet and Council approved the appointment of Mr. Boze.

Motion:	Move to approve appointment of Jim Boze to Broken Arrow Economic
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A. None

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

Section Minutes: Mr. Mark Turner spoke regarding the drainage work on 201st furthest north in Amended Glen Eagles stating that there is no drainage and asking if there is a time frame for the drainage work that is planned for that area. Cit. Manager. Mr. Dave Wooden. stated that he will have someone in Engineering and Construction get in touch with Mr. Turner regarding the planned work and a time frame.

9. General Council Business

A. Consideration and possible approval of Resolution No. 639 supporting funding for design and construction of the proposed Aspen AN Avenue and Creek Turnpike interchange

Item Minutes: Mr. Wooden reviewed the details as presented in the Fact Sheet mailable in the agenda packet.

Motion: Move to approve Resolution No. 639 supporting funding for design and construction of the proposed Aspen Avenue and Creek Turnpike interchange

Motion by: Wade McCaleb

Second by: Philip Tucker

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

Nays: None

B. Acceptance of representatives from the Taxing Jurisdictions for a Review Committee to consider a project and a Tax Increment District for the FlightSafet. Project under the Local Development Act.

Item Minutes: Cit. Attorney. Ms. Beth Anne Wilkening. presented the details as set forth in the Fact Sheet provided in the agenda packet.

Motion: Move to accept representatives from the Taxing Jurisdictions for a Review Committee to consider a project and a Tax Increment District for the FlightSafety Project under the Local Development Act

Motion by: Richard Carter

Second by Craig Thurmond

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

Nays: None

C. Submission of one citizen. among three of who will represent the public at large. to a Review Corsi nittee to consider a project and a Tax Increment District for the FlightSafet. Project under the Local Development Act

Item Minutes: Councilor Carter nominated Patrick Bell. He said Mr. Bell is very active in the business community. Councilor McCaleb requested Mr. Bell's resume.

Motion: Move to approve nomination of Mr. Patrick Bell to as one citizen, among three of who 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

Motion by: Richard Carter

Second by: Wade McCaleb

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

Nays: None

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Item Minutes: Mr. Nathan Rosman. Hogan Ta\lor. LLP. presented the findings from the City's audited financial statements for Fiscal Year 2008-2009. Mr. Rosman stated that the audit received a clean opinion and the audit results were unqualified.

Motion: Move to accept the City of Broken Arrow's Audit Report for Fiscal Year 2008-2009

Motion by: Philip Tucker

Second by: Richard Carter

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

Nays: None

E. Approval of appointment of Jinn Boze to Broken Arrow Economic Development Corporation Board of Directors to replace Ed Huckeb.

Item Minutes: Mr. Wooden presented the details prop ided in the Fact Sheet made available in the agenda packet and Council approved the appointment of Mr. Boze.

Motion:

Broken Arrow City Council Agenda

Move to approve appointment of Jim Boze to Broken Arrow Economic

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	Development Corporation Board of Directors to replace Ed Huceby
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Craig Thurmond, Philip Tucker, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

F. Approval of appointment of Intern to the Youth City Council for the 2009-2010 school year

Motion:	Move to approve appointment of Intern to the Youth City Council for the 2009-2010 school year
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

10. City Manager's Report

A. None

11. Preview Ordinances

A. None

12. Ordinances

Section Minutes: Ordinances 3091 and 3092 were taken together.

Motion:	Move to adopt Ordinances 3091 and 3092
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinances 3091 and 3092
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

- A. Adopt Ordinance 3091, an ordinance closing partial utility easements in the southerly portions of Lot 2, Block 1, I.D.C. Center II and Lot 1 Block 1, I.D.C. Center II
- B. Adopt Ordinance 3092, 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

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb said he wanted to thank Police Chief Todd Wuestewald for an excellent presentation provided for the Youth City Council members and interns.

At 6:48 p.m., Mayor McCaleb asked for a motion to recess into the Broken Arrow Municipal Authority (BAMA) and the Broken Arrow Economic Development Authority (BAEDA) meetings.

Motion:	Move to recess in order to enter into BAMA and BAEDA
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

At 6:51 p.m., Mayor Lester reconvened the regular session of the Council meeting. 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 by:	Wade McCaleb
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

At 6:55 p.m., Mayor Lester reconvened the regular Council session.

Motion:	Move to enter into Executive Session
Motion by:	Philip Tucker

Development Corporation Board of Directors to replace Ed Huckehy

Motion by: Philip Tucker

Second by: Craig Thurmond

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

Nays: None

F. Approval of appointment of Intern to the Youth ON Council for the 2009-2010 school year

Motion: Move to approve appointment of Intern to the Youth City Council for the

2009-2010 school year

Motion by: Richard Carter

Second by: Philip Tucker

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

Nays: None

10. City Manager's Report

A. None

11. Preview Ordinances

A. None

12. Ordinances

Section Minutes: Ordinances 3091 and 3092 were taken together.

Motion: Move to adopt Ordinances 3091 and 3092

Motion by: Wade McCaleb

Second by: Richard Carter

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinances 3091 and 3092

Motion by: Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

A. Adopt Ordinance 3091. an ordinance closing partial utility casements in the southerly portions of

Lot 2. Block I. I.D.C. Center II and Lot I Block I. I.D.C. Center II

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Motion by: Wade McCaleb

Second by: Craig Thurmond

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Nays: None

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Motion hv: Wade McCaleb

Second by: Philip Tucker

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

Nays: None

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Motion:

Motion by:

Move to enter into Executive Session

Philip Tucker

Broken Arrow City Council Agenda Page 3 oN February 2. 2010

Second by:	Wade McCaleb
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, 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 potential purchase and appraisal of real property in the vicinity of 209th East Avenue and Kenosha, and taking appropriate action in open session under 25 O.S. § 307(B)(3); and a pending claim against Phil Roland and Roland Investments, Ltd. 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 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.**

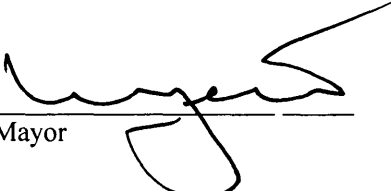
Section Minutes: Section Minutes: At 7:13 p.m., Mayor Lester reconvened the regular Council session and the room was opened for public attendance.

Motion:	Move to authorize the City Manager to continue to negotiate for the purchase of real property in the vicinity of 209th East Avenue
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None


15. **Adjournment**

Section Minutes: Section Minutes: The meeting adjourned at 7:14 p.m.

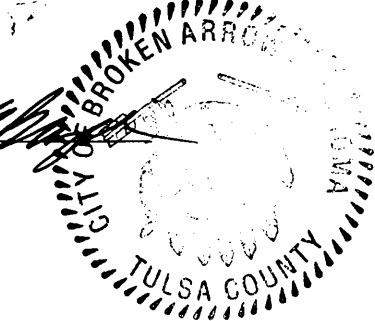
Motion:	Move to adjourn
Motion by:	Wade McCaleb
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None



 Mayor

Attest:


 City Clerk



Second b Wade McCaleb

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

Nays: None

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Motion: Move to authorize the City Manager to continue to negotiate for the purchase of real property in the vicinity of 209th East Avenue

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

15. Adjournment

Section Minutes: Section Minutes: The meeting adjourned at 7:14 p.m.

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Philip Tucker

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

Nays: None

Attest:

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