

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
March 23, 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, Richard Carter, Wade McCaleb and Mike Lester
Absent:	

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

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

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

- A. Approval of regular meeting minutes of March 2, 2010
- B. Acceptance of Planning Commission minutes for the meeting held February 25, 2010.
- C. Approval of the Workers' Compensation Order on Barry Pickup a Police Department employee
- D. Approval of the Workers' Compensation Order on Ed Rowell, a former Fire Department employee
- E. Approval of the Workers' Compensation Order on Paul Thompson, a Fire Department employee
- F. Approval of and authorization to execute Budget Amendment Number 13 for Fiscal Year 2009-2010
- G. Ratification of the Consent Order entered against the City of Broken Arrow/Broken Arrow Municipal Authority issued by the Oklahoma Department of Environmental Quality (DEQ)
- H. Consideration of and possible approval of Amendment No. 1 to the Agreement between City of Broken Arrow and Auburndale-Halifax Broken Arrow, LLC
- I. Approval of Communications System Maintenance Agreement with Harris Corporation
- J. Approval to declare a 1997 dump truck as surplus and authorizing the sale of the truck in the March 27, 2010 auction
- K. Approval of bids received and award of the most advantageous to Physio Control for the purchase of four Life Pak 15 Defibrillator/Monitors and declare surplus of two Life Pak 12 Defibrillator/Monitors
- L. Consideration and possible approval of BACP 109, 80.00 acres, 1 lot, Public Recreation to Levels 3 and 6, south of Kenosha Street (71st Street), one-quarter mile west of Evans Road (225th East Avenue)
- M. PUD 203, CVS #4896 abrogation of a portion of PUD 74 and incorporation of that portion into a new Planned Unit Development (PUD 203) for commercial neighborhood uses.
- N. Acceptance of Public Improvement from Cedar Ridge Country Club
- O. Acceptance of Public Improvements Kum & Go #877
- P. Acceptance of Public Improvement from Jim Norton Ford
- Q. Acceptance of Public Improvements from Northeast Crossroads (Wal-Mart)
- R. Acceptance of Public Improvement from Peace of Mind

i

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2. Invocation

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

Roll Call

Present:

Absent:

Craig Thurmond, Richard Carter, Wade McCaleb and Mike Lester

4. Pledge of Allegiance to the Flag

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

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

Motion: Move to approve the Consent Agenda as presented

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

A. Approval of regular meeting minutes of March 2, 2010

B. Acceptance of Planning Commission minutes for the meeting held February 25, 2010.

C. Approval of the Workers' Compensation Order on Barry Pickup a Police Department employee

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1. Approval of Communications System Maintenance Agreement with Harris Corporation

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N. Acceptance of Public Improvement from Cedar Ridge Country Club

O. Acceptance of Public Improvements Kum & Go #877

P. Acceptance of Public Improvement from Jim Norton Ford

Q. Acceptance of Public Improvements from Northeast Crossroads Wal-Mart)

R. Acceptance of Public Improvement from Peace of Mind

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March 23, 2010

- S. Acceptance of a General Warranty Deed from the City of Broken Arrow (S24 T18N R14E) (Project ST0528)
- T. Acceptance of a General Warranty Deed from the City of Broken Arrow (S24 T18N R14E) (ST0528)
- U. Acceptance of a General Warranty Deed from Trinity Creek Properties (S26 T19N R14E) (ST0809)
- V. Acceptance of a Deed of Dedication and Quit Claim Deed for property located immediately east and south of the Northwest corner of Section 10, Township 18, Range 15, Wagoner County, State of Oklahoma. (Project: Covington Estates Flood Storage) (SW0914)
- W. Acceptance of Quit Claim Deeds for property located in the W/2 of the SE/4 of the SW/4 of Section 24, T18N, R14E, Tulsa County, State of Oklahoma from Debbie A. McCalister, Shannon W. Paul Ammons and Callum Ammons, and Brian Paul (Project: New Orleans 9th to 23rd St) (ST0528)
- X. Acceptance of a Quit Claim Deed from Fred Bosworth (S24 T18N R14E) (ST0528)
- Y. Acceptance of a Temporary Construction Easement from Trinity Creek Properties (S26 T19N R14E) (ST0809)
- Z. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items removed from the Consent Agenda. No action was required or taken.

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

- A. Presentation of the Oklahoma Municipal League Honor Roll of Service Awards to Employees and Board Members with 25 Years of Municipal Government Service.

Item Minutes: City Manager, Mr. Dave Wooden, stated that each year, the Oklahoma Municipal League (OML) recognizes officials and employees of cities and towns who have completed 25 or more years of municipal service. He explained that the honorees names are inscribed in a permanent Honor Roll of Service leather-bound album maintained at the OML offices in Oklahoma City. Mr. Wooden read the names aloud:

Cary Aud – Police Department
 Randall Beck – Fire Department
 Veodis Braden – Utilities Department
 Keith Bradfield – Police Department
 Harold Cleveland – Street and Stormwater Department
 Cheryl Conklin – General Services Department

Al Cross – Police Department
 Anita Nicely – Engineering and Construction Department
 Norman Stephens – Police Department
 Tim Thummel – Engineering and Construction Department
 Rob Whitson – General Services Department

Councilor Carter expressed gratitude to the employees receiving awards and commended them as an outstanding group of people and dedicated employees. He asked for a round of applause for them.

No action was required or taken.

- B. Approval of Proclamation recognizing DeMolay Month and Proclaiming the month of March 2010 as "DeMolay Month"

Item Minutes: Mr. Wooden reviewed the background of DeMolay International as presented in the Fact Sheet contained in the agenda packet. Mayor Lester read the Proclamation aloud and presented it to the DeMolay representatives present at the meeting.

Motion:	Move to approve Proclamation recognizing DeMolay Month and Proclaiming the month of March 2010 as "DeMolay Month"
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- C. Approval of Proclamation commending exemplary action and community spirit contributing to keeping the City of Broken Arrow beautiful

Item Minutes: Mr. Wooden reviewed the background provided in the Fact Sheet contained in the agenda packet. Mayor Lester read the Proclamation aloud and presented it to Jordan Cook.

Motion:	Move to approve Proclamation commending exemplary action and community spirit contributing to keeping the City of Broken Arrow beautiful
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Craig Thurmond, Richard Carter, Wade McCaleb, Mike Lester
Nays:	None

- S. Acceptance of a General Warranty Deed from the City of Broken Arrow S24 T18N R14E) Project ST0528)
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Randall Beck Fire Department

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Keith Bradfield Police Department

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Cheryl Conklin General Services Department

Al Cross Police Department

Anita Nicely Engineering and Construction Department

Norman Stephens Police Department

Tim Thummel Engineering and Construction Department

Rob Whitson General Services Department

Councilor Carter expressed gratitude to the employees receiving awards and commended them as an outstanding group of people and dedicated employees. He asked for a round of applause for them.

No action was required or taken.

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Motion: Move to approve Proclamation recognizing DeMolay Month and Proclaiming the month of March 2010 as DeMolay Month"

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

C. Approval of Proclamation commending exemplary action and community spirit contributing to keeping the City of Broken Arrow beautiful

Item Minutes: Mr. Wooden reviewed the background provided in the Fact Sheet contained in the agenda packet. Mayor Lester read the Proclamation aloud and presented it to Jordan Cook.

Motion: Move to approve Proclamation commending exemplary action and community spirit contributing to keeping the City of Broken Arrow beautiful

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Broken Arrow City Council Minutes Page 2 of 7 March 23, 2010

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

Section Minutes: Ms. Jill Norman, the late Councilor Tucker's sister, addressed Council regarding the appointment of an individual to complete the remainder of Vice Mayor Tucker's term. She asked that Council appoint someone that will keep the dreams and goals of Vice Mayor Tucker alive. Mayor Lester said that Council knows the next person will have a lot to live up to and Councilor Thurmond added that Council is very much aware of Vice Mayor Tucker's dedication and passion for seeing Broken Arrow grow and prosper.

9. General Council Business

- A. Consideration of and possible approval of PUD 183A, Major Amendment to PUD 183, Aspen Crossing, 45.25 acres, 5 lots, and BAZ 1842, A-1, AR-2, and R-2 to RD, 14.10 acres, 5 lots, north and east of the northeast corner of Aspen Avenue (145 East Avenue) and Jasper Street (131st Street)

Item Minutes: Mr. Farhad Daroga, City Planner, said that PUD 183A is a request for a major amendment to PUD 183, Aspen Crossing, which was approved by the City Council on December 3, 2007, subject to the property being platted; the property, which contains 45.25 acres and is mostly unplatted, is located north and east of the northeast corner of Aspen Avenue and Jasper Street. He added that in conjunction with PUD 183A, the applicant has also submitted BAZ 1842, a request to rezone 14.10 acres on the south end of this PUD (183A) from A-1, AR-2, and R-2 to RD; and, BAZ 1789, a request to rezone the property associated with PUD 183, from A-1, AR-2, and R-2 to R-3S, was also approved by the City Council on December 3, 2007, subject to the property being platted.

Mr. Daroga explained that the major difference between PUD 183A and PUD 183 is that PUD 183A is requesting an increase in density and the number of units allowed; and, with PUD 183, the maximum number of units allowed was 200, for a density of 4.42 units per acre on 45.25 acres; and, with PUD 183A, the applicant is requesting to have 245 units on 45.25 acres for a density of 5.41 units per acre; and, the increase in density is the reason the RD zoning is being requested. He said that one other difference between PUD 183 and PUD 183A is that PUD 183 was divided into two tracts while PUD 183A is divided into three tracts; and, as proposed in the PUD, Tract 1 will be for single-family detached residential units and will be developed in accordance with R-3S development regulations, except as outlined within the PUD submittal, as follows:

As proposed in PUD 183A, Tracts 2 and 3 will have the same development regulations. Both tracts will be developed for single family residential dwellings, in accordance with R-3S development regulations except as follows:

Part of the property associated with PUD 183A has been platted as Lot 1, Block 8 of Southtowne Estates. According to the covenants for Southtowne, "All lots in the Southtowne Estates shall be single family residential lots only." Applicant is in the process of having Lot 1, Block 8 removed from the Southtowne Estates plat.

Mayor Lester said that Ms. Jane Hartman turned in a request to record her opposition but did not wish to speak.

Motion:	Move to approve PUD 183A, Major Amendment to PUD 183, Aspen Crossing, 45.25 acres, 5 lots, and BAZ 1842, A-1, AR-2, and R-2 to RD, 14.10 acres, 5 lots, north and east of the northeast corner of Aspen Avenue (145 East Avenue) and Jasper Street (131st Street)
Motion by:	Craig Thurmond
Second by:	Wade McCaleb
Ayes:	Craig Thurmond, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- B. Consideration and possible appointment of Mayor Mike Lester to the Indian Nations Council of Government (INCOG) Board of Directors to complete the remainder of the late Vice Mayor Philip Tucker's two-year term which will expire December 31, 2010

Item Minutes: Mr. Wooden presented the details contained in the Fact sheet.

Motion:	Move to approve appointment of Mayor Mike Lester to the Indian Nations Council of Government (INCOG) Board of Directors to complete the remainder of the late Vice Mayor Philip Tucker's two-year term which will expire December 31, 2010
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Craig Thurmond, Richard Carter, Wade McCaleb, Mike Lester
Nays:	None

- C. Consideration of nominations to fill one vacancy on the Planning Commission created by the expiring term of Mickie Taylor

Item Minutes: Mr. Michael Skates, Director of Development Services, presented the details contained in the Fact Sheet provided in the agenda packet. Councilor McCaleb expressed concern regarding Ms. Taylor's attendance and said it was below the requirement made by statute. Mayor Lester suggested tabling this item until the next meeting in order to review attendance record again.

Motion:	Move to table nominations to fill one vacancy on the Planning Commission
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Mr. Daroga explained that the major difference between PUD 183A and PUD 183 is that PUD 183A is requesting an increase in density and the number of units allowed; and, with PUD 183, the maximum number of units allowed was 200, for a density of 4.42 units per acre on 45.25 acres; and, with PUD 183A, the applicant is requesting to have 245 units on 45.25 acres for a density of 5.41 units per acre; and, the increase in density is the reason the RD zoning is being requested. He said that one other difference between PUD 183 and PUD 183A is that PUD 183 was divided into two tracts while PUD 183A is divided into three tracts; and, as proposed in the PUD, Tract 1 will be for single-family detached residential units and will be developed in accordance with R-3S development regulations, except as outlined within the PUD submittal, as follows:

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Mayor Lester said that Ms. Jane Hartman turned in a request to record her opposition but did not wish to speak.

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Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

B. Consideration and possible appointment of Mayor Mike Lester to the Indian Nations Council of Government INCOG) Board of Directors to complete the remainder of the late Vice Mayor Philip Tucker's two-year term which will expire December 31, 2010

Item Minutes: Mr. Wooden presented the details contained in the Fact sheet.

Motion: Move to approve appointment of Mayor Mike Lester to the Indian Nations Council of Government (INCOG) Board of Directors to complete the remainder of the late Vice Mayor Philip Tucker's two-year term which will expire December 31, 2010

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

C. Consideration of nominations to fill one vacancy on the Planning Commission created by the expiring term of Mickie Taylor

Item Minutes: Mr. Michael Skates, Director of Development Services, presented the details contained in the Fact Sheet provided in the agenda packet. Councilor McCaleb expressed concern regarding Ms. Taylor's attendance and said it was below the requirement made by statute. Mayor Lester suggested tabling this item until the next meeting in order to review attendance record again.

Motion:

Move to table nominations to fill one vacancy on the Planning Commission

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March 23, 2010

	created by the expiring term of Mickie Taylor
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

- D. Consideration of nominations to fill one vacancy on the Board of Adjustment created by the expiring term of Ralph Crotchett

Item Minutes: Mr. Michael Skates, Director of Development Services, presented the details contained in the Fact Sheet provided in the agenda packet.

Motion:	Move to approve nominations to fill one vacancy on the Board of Adjustment created by the expiring term of Ralph Crotchett
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- E. Consideration of and possible approval of Resolution 643 for Municipal Impact Statement House Bill 3054

Item Minutes: Mr. Wooden stated that the City's Intergovernmental Relations Director regularly attends the Coalition of Tulsa Area Governments (CTAG) legislative meetings which take place throughout the summer and fall; and, the coalition has representatives from the cities of Glenpool, Jenks, Mannford, Owasso, Tulsa, Sand Springs, Skiatook, Bixby, Collinsville and Claremore. Mr. Wooden said the number one issue for CTAG this 2010 legislative session was to initiate and introduce legislation that would limit the passage of legislation that has a financial impact on cities and requires bills that have a significant fiscal impact upon municipalities to be accompanied by a fiscal impact statement. He said that Resolution 643 expresses the City Council's support for HB 3054.

Motion:	Move to approve Resolution 643 for Municipal Impact Statement House Bill 3054
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

- F. Consideration and possible approval of a request by the Broken Arrow Chamber of Commerce to host the 2010 Rooster Days Festival in Central Park, the Promotional License, and Rooster Days Parade

Item Minutes: Mr. Wooden presented the details contained in the Fact Sheet provided in the agenda packet.

Motion:	Move to approve request by the Broken Arrow Chamber of Commerce to host the 2010 Rooster Days Festival in Central Park, the Promotional License, and Rooster Days Parade
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- G. Review and discussion The Broken Arrow Living Green Low Impact Development Certification Program.

Item Minutes: Mr. Skates presented the information contained in the Fact Sheet and reviewed the presentation provided in the agenda packet. Councilor Thurmond said he was proud that Broken Arrow was the first city in the state to put a program together. Mayor Lester agreed and thanked the committee for its hard work. He said that the item would come back to Council at the April 6 meeting for approval of implementation of policy.

No action was required or taken.

10. City Manager's Report

None.

11. Preview Ordinances

- A. Consideration and Possible Approval of an Ordinance, not to be codified hereby acknowledging the 140th Street Assessment District, referring to the Amended Public Improvement Assessment Roll as Confirmed, Providing for Payment, Levying assessments in accordance with the Roll and declaring liens; and repealing ordinances to the contrary

Item Minutes: Mayor Lester said he would abstain from this item, and Councilor Carter presented the details contained in the Fact Sheet provided in the agenda packet.

created by the expiring term of Mickie Taylor

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

D. Consideration of nominations to fill one vacancy on the Board of Adjustment created by the expiring term of Ralph Crotchett

Item Minutes: Mr. Michael Skates, Director of Development Services, presented the details contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve nominations to fill one vacancy on the Board of Adjustment created by the expiring term of Ralph Crotchett

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

E. Consideration of and possible approval of Resolution 643 for Municipal Impact Statement House Bill 3054

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Motion: Move to approve Resolution 643 for Municipal Impact Statement House Bill 3054

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

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Second b Craig Thurmond

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Nays: None

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No action was required or taken.

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None.

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Item Minutes: Mayor Lester said he would abstain from this item, and Councilor Carter presented the details contained in the Fact Sheet provided in the agenda packet.

Broken Arrow City Council Minutes Page 4 of 7 March 23, 2010

Motion:	Move to pass Preview Ordinance 11A set for adoption below, Section 12
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb
Nays:	None
Abstain:	Mike Lester

- B. An Ordinance Amending Chapter 6, Article XI, Building Permit Fees and Charges and Repealing all Ordinances to the Contrary
- C. An Ordinance Amending Chapter 24, Water, Sewers and Sewage Disposal, Article VI, Section 24-602, Service Tap Charge and Repealing all Ordinances to the Contrary

Item Minutes: Preview Ordinances 11B and 11C were taken together.

Motion:	Move to approve pass Preview Ordinances 11B and 11C to the April 6, 2010 Council meeting and set for adoption
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

12. Ordinances

- A. An Ordinance Amending the Broken Arrow Code Chapter 6, Article XI, Building and Building Regulations, Uniform Building Code Fees; and Declaring an Emergency

Item Minutes: City Attorney, Ms. Beth Anne Wilkening, stated that this preview was previewed above and was also set to consider for approval because it was set to go into effect April 1, 2010 as per State Statute.

Motion:	Move to adopt Ordinance Amending the Broken Arrow Code Chapter 6, Article XI, Building and Building Regulations, Uniform Building Code Fees; and Declaring an Emergency
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance Amending the Broken Arrow Code Chapter 6, Article XI, Building and Building Regulations, Uniform Building Code Fees; and Declaring an Emergency
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- B. An ordinance amending Chapter 23, Article II, Section 23-94 of the Broken Arrow Code pertaining to Evidence of driving while under the influence of or while impaired by alcohol or other intoxicating substances; repealing all ordinances to the contrary; and declaring an emergency.

Item Minutes: Mr. Wooden presented the details contained in the Fact Sheet that was provided in the agenda packet.

Motion:	Move to adopt Ordinance 3101
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3101
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

Ordinances 12C – 12L were taken together.

Motion:	Move to adopt Ordinance Nos. 3068-3071, 3073, 3080, 3083, 3088, 3096 and 3099
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester

Motion: Move to pass Preview Ordinance 11A set for adoption below, Section 12

Motion b Richard Carter

Second b Craig Thurmond

Ayes: Richard Carter, Craig Thurmond, Wade McCaleb

Nays: None

Abstain: Mike Lester

B. An Ordinance Amending Chapter 6, Article XI, Building Permit Fees and Charges and Repealing all Ordinances to the Contrary

C. An Ordinance Amending Chapter 24, Water, Sewers and Sewage Disposal, Article VI, Section 24-602, Service Tap Charge and Repealing all Ordinances to the Contrary

Item Minutes: Preview Ordinances 11B and 11C were taken together.

Motion: Move to approve pass Preview Ordinances 11B and 11C to the April 6, 2010

Council meeting and set for adoption

Motion b Richard Carter

Second b Crai Thurmond

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

Nays: None

12. Ordinances

A. An Ordinance Amending the Broken Arrow Code Chapter 6, Article XI, Building and Building Regulations, Uniform Building Code Fees; and Declaring an Emergency

Item Minutes: City Attorney, Ms. Beth Anne Wilkening, stated that this preview was previewed above and was also set to consider for approval because it was set to go into effect April 11, 2010 as per State Statute.

Motion: Move to adopt Ordinance Amending the Broken Arrow Code Chapter 6, Article XI, Building and Building Regulations, Uniform Building Code Fees; and Declaring an Emergency

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance Amending the Broken Arrow Code Chapter 6, Article XI, Building and Building Regulations, Uniform Building Code Fees; and Declaring an Emergency

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

B. An ordinance amending Chapter 23, Article II, Section 23-94 of the Broken Arrow Code pertaining to Evidence of driving while under the influence of or while impaired by alcohol or other intoxicating substances; repealing all ordinances to the contrary; and declaring an emergency.

Item Minutes: Mr. Wooden presented the details contained in the Fact Sheet that was provided in the agenda packet.

Motion: Move to adopt Ordinance 3101

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3101

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

Ordinances 12C 12L were taken together.

Motion: Move to adopt Ordinance Nos. 3068-3071, 3073, 3080, 3083, 3088, 3096 and 3099

Motion b Wade McCaleb

Second b Craig Thurmond

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

Broken Arrow City Council Minutes Page 5 of 7 March 23, 2010

Nays:	None
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Motion:	Move to adopt the Emergency Clause for Ordinance Nos. 3068-3071, 3073, 3080, 3083, 3088, 3096 and 3099
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- C. Adoption of Ordinance No. 3068 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1802, and Specific Use Permit No. 225 and granting CH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. Adoption of Ordinance No. 3069 amending the Zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1817 granting RMH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. Adoption of Ordinance No. 3070 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1800, granting RS-1 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F. Adoption of Ordinance No. 3071 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1813, granting IH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G. Adoption of Ordinance No. 3073 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1824, and granting R-2 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- H. Adoption of Ordinance No. 3080 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1787, and granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- I. Adoption of Ordinance No. 3083 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1821, and granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- J. Adoption of Ordinance No. 3088 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1822, and granting RMH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- K. Adoption of Ordinance No. 3096 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1784, and PUD 177, and granting RM zoning and PUD 177 to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- L. Adoption of Ordinance No. 3099 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1820, and granting RMH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor Carter thanked the representatives from DeMolay International, the citizens who cleaned up the hill near Bass Pro, and the 25 year employees for helping to make Broken Arrow such a good place to live.

At 7:24 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting. (The Broken Arrow Economic Development Authority meeting was cancelled.)

Motion:	Move to recess into the Broken Arrow Municipal Authority Meeting
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

Mayor Lester reconvened the regular meeting at 7:24 p.m. Mayor Lester asked for a motion to take a short break prior to entering into Executive Session in order to clear the room.

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

Mayor Lester reconvened the regular meeting at 7:34 p.m.

Motion:	Move to enter into Executive Session
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Nays:

None

Motion: Move to adopt the Emergency Clause for Ordinance Nos. 3068-3071, 3073, 3080, 3083, 3088, 3096 and 3099

Motion b Wade McCaleb

Second b Craig Thurmond

Ayes:

Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester

Nays:

tNone

C. Adoption of Ordinance No. 3068 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1802, and Specific Use Permit No. 225 and granting CH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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F. Adoption of Ordinance No. 3071 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1813, granting IH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

G. Adoption of Ordinance No. 3073 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1824, and granting R-2 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

H. Adoption of Ordinance No. 3080 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1787, and granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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K. Adoption of Ordinance No. 3096 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1784, and PUD 177, and granting RM zoning and PUD 177 to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

L. Adoption of Ordinance No. 3099 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1820, and granting RMH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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At 7:24 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting. (The Broken Arrow Economic Development Authority meeting was cancelled.)

Motion: Move to recess into the Broken Arrow Municipal Authority Meeting

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

Mayor Lester reconvened the regular meeting at 7:24 p.m. Mayor Lester asked for a motion to take a short break prior to entering into Executive Session in order to clear the room.

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

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

Mayor Lester reconvened the regular meeting at 7:34 p.m.

Motion:

Move to enter into Executive Session

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Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney and possible action in Open Session regarding the purchase and appraisal of real property located on South Elm Place and West Houston and taking appropriate action as necessary in open session, under 25 O.S §307(B)(3); a settlement offer to be considered in the City of Broken Arrow, Oklahoma, vs. The Brandy, L.L.C., et al., Tulsa County District Court Case Number: CJ-2007-49 and appropriate action in Open Session, including authorization to settle, under 25 O.S. § 307(B)(4); and a tort claim involving Stephanie Morgan and Aaron Totty and taking appropriate action, including settlement, under 25 O.S. § 307(B)(4). The Council is advised that disclosure will seriously impair the ability of the public body to process this pending litigation and 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: Mayor Lester reconvened the regular session of the City Council meeting at 7:46 p.m. and the room was opened for those in attendance.

Motion:	Move to authorize the City Attorney to settle the tort claim filed by Stephanie Morgan and Aaron Totty in the amount of \$25,000.00
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

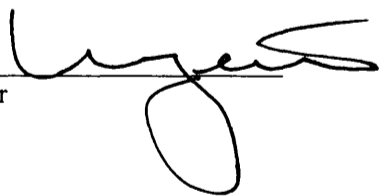
Motion:	Move to authorize the City Attorney to settle the case of City of Broken Arrow v. The Brandy, L.L.C., et al., for the amount of \$21,000.00
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

Motion:	Move to authorize the City Manager to proceed as directed with regard to the acquisition of property located on South Elm Place and west of Houston
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

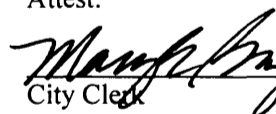
15. **Adjournment**

Section Minutes: The meeting adjourned at 7:48 p.m.

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

Mayor 

Attest:


City Clerk



Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney and possible action in Open Session regarding the purchase and appraisal of real property located on South Elm Place and West Houston and taking appropriate action as necessary in open session, under 25 O.S. 307(B)(3); a settlement offer to be considered in the City of Broken Arrow, Oklahoma, vs. The Brandy, L.L.C., et al., Tulsa County District Court Case Number: CJ-2007-49 and appropriate action in Open Session, including authorization to settle, under 25 O.S. 307(B)(4); and a tort claim involving Stephanie Morgan and Aaron Totty and taking appropriate action, including settlement, under 25 O.S. 307(B)(4). The Council is advised that disclosure will seriously impair the ability of the public body to process this pending litigation and 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: Mayor Lester reconvened the regular session of the City Council meeting at 7:46 p.m. and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to settle the tort claim filed by Stephanie Morgan and Aaron Totty in the amount of \$25,000.00

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

Motion: Move to authorize the City Attorney to settle the case of City of Broken Arrow v. The Brandy, L.L.C., et al., for the amount of \$21,000.00

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

Motion: Move to authorize the City Manager to proceed as directed with regard to the acquisition of property located on South Elm Place and west of Houston

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at 7:48 p.m.

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

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