

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
April 6, 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:	None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Thurmond led the Pledge of Allegiance.

5. Election of Vice-Mayor

Section Minutes: Councilor Carter nominated Councilor Thurmond for Vice Mayor. Councilor Wade McCaleb said he felt this action should wait until someone is appointed to fill the vacancy. City Attorney, Ms. Beth Anne Wilkening, said that she recommended that the vice mayor position should be filled because it is overwhelming when a new council member comes on board. She added that a new person has so much to learn regarding procedures and protocols that it seems like appointing a member already serving would be helpful. Councilor McCaleb asked if new members are expected to start making decisions immediately after taking office. Ms. Wilkening said yes, that is correct.

A motion was made by Councilor Carter to nominate Councilor Thurmond. Councilor McCaleb abstained. Councilor Thurmond recused himself and left the room. Ms. Wilkening said there was not a quorum because the abstention was the same as a "no" vote. Councilor McCaleb said that he did not oppose Councilor Thurmond as Vice Mayor, and that he just wanted to voice his objection to moving ahead with electing a vice mayor before a new member is appointed. He said he would nominate Councilor Thurmond for Vice Mayor. Ms. Wilkening said the motion would have to be restated.

Councilor McCaleb moved to nominate and approve election of Councilor Thurmond as Vice Mayor.

Motion:	Move to nominate and approve election of Councilor Craig Thurmond as Vice Mayor
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

6. Consideration of Consent Agenda

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

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

April 6, 2010

6:30 PM

1.

2.

3. Call to Order

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

Invocation

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

Roll Call

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

Absent: None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Thurmond led the Pledge of Allegiance.

5. Election of Vice-Mayor

Section Minutes: Councilor Carter nominated Councilor Thurmond for Vice Mayor.

Councilor

Wade McCaleb said he felt this action should wait until someone is appointed to fill the vacancy. City Attorney, Ms. Beth Anne Wilkening, said that she recommended that the vice mayor position should be filled because it is overwhelming when a new council member comes on board. She added that a new person has so much to learn regarding procedures and protocols that it seems like appointing a member already serving would be helpful. Councilor McCaleb asked if new members are expected to start making decisions immediately after taking office. Ms. Wilkening said es. that is correct.

A motion was made by Councilor Carter to nominate Councilor Thurmond. Councilor McCaleb abstained. Councilor Thurmond recused himself and left the room. Ms. Wilkening said there was not a quorum because the abstention was the same as a no vote. Councilor McCaleb said that he did not oppose Councilor Thurmond as Vice Mayor, and that he just wanted to voice his objection to moving ahead with electing a vice mayor before a new member is appointed. He said he would nominate Councilor Thurmond for Vice Mayor. Ms.

Wilkening said the motion would have to be restated.

Councilor McCaleb moved to nominate and approve election of Councilor Thurmond as Vice Mayor.

Motion: Move to nominate and approve election of Councilor Craig Thurmond as Vice

Mayor

Motion by: Wade McCaleb

Second by: Richard Carter

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

Nays: None

6. Consideration of Consent Agenda

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

Broken Arrow City Council Agenda Page I of I I April 6, 20 10

- A. Approval of regular meeting minutes of March 23, 2010
- B. Acceptance of minutes of the Planning Commission meeting held March 11, 2010
- C. Approval of Letter of Consent with Saltus Technologies, LLC agreeing to the transfer of the digiTICKET Contract and Software License Agreement
- D. Approval of Resolution No. 645 authorizing the execution of an ODOT Project Agreement for Houston Street Resurfacing from Aspen Avenue to Elm Place (STP-STIM (505) IG)
- E. Approval of Resolution No. 646 authorizing the execution of an ODOT Project Agreement for Florence Street Resurfacing from Olive Avenue to Aspen Avenue (STP-STIM (512) IG)
- F. Approval of Resolution No. 647 authorizing the execution of an ODOT Project Agreement for 23rd Street Resurfacing from Jasper Street to Yazoo Street (STP-STIM (513) IG)
- G. Approval of bids received, award of the most advantageous (base bid plus additive/alternate 1), and authorization to enter into a construction contract with Ira M. Green Construction for Washington Street Extension to Northeastern State University (NSU)
- H. Approval of bids received, award of the most advantageous, and authorization to enter into a contract with Paragon Contractors, LLC for New Orleans Street Widening from 9th Street to 23rd Street (ST0528)
- I. Approval of the Claims List

7. Consideration of Items Removed from Consent Agenda

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

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

- A. General Fund Financial Presentation for the eight months ending February 28, 2010

Item Minutes: Finance Director, Mr. Tom Caldwell, presented this item. He reviewed the documents provided in the agenda packet.

No action was required or taken.

- B. Award: Approval and presentation of the "Employee of the Quarter" award recognizing Harley Watkins for the term January through March 2010

Item Minutes: City Manager, Mr. Dave Wooden, said that Mr. Watkins could not be present this evening and added that Harley Watkins (Water Department) is being recognized for helping out in the meter department when they are low on manpower, and that he is known for always being willing to help, is trustworthy, responsible, fair, and a caring person who willingly does any job to help others even outside of his department; and, the award is also to recognize Mr. Watkins work ethic which has helped keep employee morale positive.

Motion:	Move to approve and present the "Employee of the Quarter" award recognizing Harley Watkins for the term January through March 2010
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Craig Thurmond, Richard Carter, Wade McCaleb, Mike Lester
Nays:	None

- A. Approval of regular meeting minutes of March 23, 2010
 - B. Acceptance of minutes of the Planning Commission meeting held March 11, 2010
 - C. Approval of Letter of Consent with Saltus Technologies, LLC agreeing to the transfer of the digiTICKET Contract and Software License Agreement
 - D. Approval of Resolution No. 645 authorizing the execution of an ODOT Project Agreement for Houston Street Resurfacing from Aspen Avenue to Elm Place STP-STIM 505) IG)
 - E. Approval of Resolution No. 646 authorizing the execution of an ODOT Project Agreement for Florence Street Resurfacing from Olive Avenue to Aspen Avenue STP-STIM 512) IG)
 - F. Approval of Resolution No. 647 authorizing the execution of an ODOT Project Agreement for 23rd Street Resurfacing from Jasper Street to Yazoo Street STP-STIM 513) IG)
 - G. Approval of bids received. award of the most advantageous base bid plus additive/alternate I and authorization to enter into a construction contract with Ira M. Green Construction for Washington Street Extension to Northeastern State University (NSU)
 - H. Approval of bids received. award of the most advantageous. and authorization to enter into a contract with Paragon Contractors, LLC for New Orleans Street Widening from 9th Street to 23rd Street ST0528)
- 1. Approval of the Claims List
 - 7. Consideration of Items Removed from Consent Agenda

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

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

A. General Fund Financial Presentation for the eight months ending February 28, 2010
Item Minutes: Finance Director, Mr. Toni Caldwell, presented this item. He reviewed the documents provided in the agenda packet.

No action was required or taken.

B. Award: Approval and presentation of the Employee of the Quarter" award recognizing Harley Watkins for the term January through March 2010
Item Minutes: Cit Manager, Mr. Dave Wooden, said that Mr. Watkins could not be present this evening and added that Harley Watkins (Water Department) is being recognized for helping out in the meter department when they are low on manpower, and that he is known for always being willing to help, is trustworthy, responsible, fair, and a caring person who willingly does any job to help others even outside of his department: and, the award is also to recognize Mr. Watkins work ethic which has helped keep employee morale positive.

Motion: Move to approve and present the Employee of the Quarter" award recognizing Harley Watkins for the term January through March 2010

Motion by: Craig Thurmond

Second by: Richard Carter

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

Nays: None

Broken Arrow City Council Agenda Page 2 of 11 April 6, 2010

- C. Approval of Proclamation recognizing the Broken Arrow Beautification Committee's Trash Bash Event and proclaiming April 17, 2010 as "Spring Trash Bash Day"

Item Minutes: Mayor Lester called Ms. Betsy Gerber to accept the Proclamation. Ms. Gerber said that Trash Bash is a semi-annual, volunteer event created by the Broken Arrow Beautification Committee and is a clean-up project for the City of Broken Arrow. She thanked the many organizations that participate and acknowledged the hard work of so many individual volunteers as well the 'adopt-a-mile' participants.

Motion:	Move to approve Proclamation recognizing the Broken Arrow Beautification Committee's Trash Bash Event and proclaiming April 17, 2010 as "Spring Trash Bash Day"
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- D. Approval of Proclamation declaring the week of April 11-17, 2010 as "National Public Safety Telecommunicators Appreciation Week"

Item Minutes: Mr. Wooden said that the Association of Public-Safety Communications Officials (APCO) International and the National Emergency number Association (NENA) celebrate the second full week of April (April 11-17, 2010) as National Public Safety Telecommunicators Week. He added that the event is celebrated annually to honor the thousands of men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render life-saving assistance to the citizens of the United States. Mayor Lester said this Proclamation recognizes the event and especially honors the men and women of the Broken Arrow Police Department for the role they play in making our hometown safer every day.

Motion:	Move to approve Proclamation declaring the week of April 11-17, 2010 as "National Public Safety Telecommunicators Appreciation Week"
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Craig Thurmond, Wade McCaleb, Mike Lester, Richard Carter
Nays:	None

9. **Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)**

There were no requests to speak.

10. **General Council Business**

- A. Consideration and possible approval of the continuation of an Internal Economic Development Team and authorize their participation in the economic development process

Item Minutes: Mr. Wooden stated that all of the recent information received by the City points to the conclusion that the City must take a much more active role in Economic Development; he pointed out that business leaders want to talk to the 'person in charge' and that is the Mayor and Council members of the City; and, developers want to deal directly with the people who can accept or reject their proposals and who are able to sign the final contract; and, that on several occasions, businessmen have pointed out that the City must have a designated employee responsible for economic development.

Mr. Wooden stated that in the past, the City has funded Broken Arrow Chamber of Commerce and Broken Arrow Economic Development Corporation (BAEDC) efforts, but it has not taken an active role in pursuing economic development activities. He said that the

C. Approval of Proclamation recognizing the Broken Arrow Beautification Coni nittee's Trash Bash Event and proclaiming April 17, 2010 as Spring Trash Bash Day"

Item Minutes: Mayor Lester called Ms. Betsy Gerber to accept the Proclamation. Ms. Gerber said that Trash Bash is a semi-annual, volunteer event created by the Broken Arrow Beautification Committee and is a clean-up project for the City of Broken Arrow. She thanked the many organizations that participate and acknowledged the hard work of so many individual volunteers as well the adopt-a-mile' participants.

Motion: Move to approve Proclamation recognizing the Broken Arrow Beautification Committee's Trash Bash Event and proclaiming April 17, 2010 as Spring Trash Bash Day"

Motion by: Wade McCaleb

Second by: Richard Carter

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

Nays: None

D. Approval of Proclamation declaring the week of April 11- 17, 2010 as National Public Safety Telecommunicators Appreciation Week"

Item Minutes: Mr. Wooden said that the Association of Public-Safety Communications Officials (APCO) International and the National Emergency Number Association (NENA) celebrate the second full week of April (April 11- 17, 2010) as National Public Safety Telecommunicators Week. He added that the event is celebrated annually to honor the thousands of men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render life-saving assistance to the citizens of the United States. Mayor Lester said this Proclamation recognizes the event and especially honors the men and women of the Broken Arrow Police Department for the role they play in making our hometown safer every day.

Motion: Move to approve Proclamation declaring the week of April 11-17, 2010 as National Public Safety Telecommunicators Appreciation Week"

Motion by: Richard Carter

Second by: Craig Thurmond

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

Nays: None

9. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)

There were no requests to speak.

10. General Council Business

A. Consideration and possible approval of the continuation of an Internal Economic Development Team and authorize their participation in the economic development process

Item Minutes: Mr. Wooden stated that all of the recent information received by the City points to the conclusion that the City must take a much more active role in Economic

Development: he pointed out that business leaders want to talk to the person in charge and that is the Mayor and Council members of the City and, developers want to deal directly with the people who can accept or reject their proposals and who are able to sign

the final contract: and. that on several occasions. businessmen have pointed out that the City must have a designated employee responsible for economic development.

Mr. Wooden stated that in the past. the City has funded Broken Arrow Chamber of Commerce and Broken Arrow Economic Development Corporation (BAEDC) efforts. but it has not taken an active role in pursuing economic development activities. He said that the Broken Arrow City Council Agenda Page 3 of 11 April 6, 2010

Council will consider taking action to formally establish an Internal Economic Development Team (IEDT) consisting of members of City staff. He explained that the IEDT will work with the BAEDC, and the role of the IEDT will be to compliment the actions taken by the BAEDC. Mr. Wooden continued to present the details contained in the Fact Sheet provided in the agenda packet as follows:

The IEDC will take the actions necessary to bring to a successful conclusion those actions started by the BAEDC. In most cases this will include negotiation of a contract between the City and the business, financial assistance, assistance in planning, assistance in zoning, assistance during the construction process and, as required, post-startup assistance. The IEDT will have the capability to provide all required information on potential sites, assist with incentive programs (Federal, State and Local), provide information on bank contacts, assist with the zoning, planning and construction issues. Attached is a proposed Organizational chart for the IEDT. The IEDT does not have the skill set for initial contacts with potential new industries and commercial enterprises. However, the team is skilled in management of relationships with businesses that are new to and expanding in Broken Arrow. Members of the team were selected for their ability to provide the team leader with appropriate information to allow the successful City assistance to any potential new business. Only in the case of retail sales will the IEDT take any type of active role in recruitment. The BAEDC does not routinely market the City to individual retail stores. Because sales tax revenues from retail stores are critical to the operation of the City, the IEDT will provide information on the City to retail stores that they believe would benefit from locating in the City. This team will not advertise specific pieces of real estate but will provide information on the city and, if requested, will place the firm in contact with the BAEDC or a realtor.

Mr. Wooden said he assigned Mr. Norman Stephens to be the team director. Mr. Stephens is currently serving as the Deputy Police Chief. He has the management and people skills necessary to be an outstanding Economic Development Team leader. His primary responsibilities as Deputy Police Chief will continue. The other members of the Economic Development Team are specialists in their fields. Their contact with potential new businesses will normally be in the area of their expertise.

The IEDT will provide through coordination with the BAEDC, City resources and outside consultants, the information necessary to recruit businesses in today's highly competitive market. Today's corporate site selection organizations expect cities to provide detailed information tailored to their needs. We believe that time spent on surveying citizens determining their preferences, spending habits, community demographics, and driving times to various available sites would provide invaluable information with which to court new retail sales businesses to the area. The correlation of this information with national retailer profiles would provide positive leads to potential new members of the community and, when coupled with a high quality recruiting packet, would demonstrate to the businesses how interested the City of Broken Arrow is in having them become part of the City. The days of a generalized web site showing population figures and traffic counts bringing in new businesses are gone. Today the need is for information tailored to the needs of the target business. The IEDT will be charged with bringing the City's information database up to today's standards. The IEDT will work closely with the BAEDC to minimize duplication of effort and maximize the value the City receives for its economic development dollar.

In addition to leading the Economic Development Team, Mr. Stephens will also serve as the City's Development/Construction Ombudsman for all problems associated with development in the City. One of the recurring comments received from developers and builders is that there is no one on the City staff they can go to, short of the City Manager that can provide rapid resolution of issues as they arise. As the City's Development/Construction Ombudsman Mr. Stephens will have the responsibility and authority to resolve disputes and bring to light systemic problems that he observes when serving in the Ombudsman's role. I believe that adding this role to the duties of the IEDT leader will give the City a functional single point of contact with the development and

Council will consider taking action to formally establish an Internal Economic Development Team (IEDT) consisting of members of City staff. He explained that the IEDT will work with the BAEDC, and the role of the IEDT will be to compliment the actions taken by the BAEDC. Mr. Wooden continued to present the details contained in the Fact Sheet provided in the agenda packet as follows:

The IEDC will take the actions necessary to bring to a successful conclusion those actions started by the BAEDC. In most cases this will include negotiation of a contract between the City and the business, financial assistance, assistance in planning, assistance in zoning, assistance during the construction process and, as required, post-startup assistance. The IEDT will have the capability to provide all required information on potential sites, assist with incentive programs (Federal, State and Local), provide information on bank contacts, assist with the zoning, planning and construction issues. Attached is a proposed Organizational chart for the IEDT. The IEDT does not have the skill set for initial contacts with potential new industries and commercial enterprises. However, the team is skilled in management of relationships with businesses that are new to and expanding in Broken Arrow. Members of the team were selected for their ability to provide the team leader with appropriate information to allow the successful City assistance to any potential new business. Only in the case of retail sales will the IEDT take any type of active role in recruitment. The BAEDC does not routinely market the City to individual retail stores. Because sales tax revenues from retail stores are critical to the operation of the City, the IEDT will provide information on the City to retail stores that they believe would benefit from locating in the City. This team will not advertise specific pieces of real estate but will provide information on the City and, if requested, will place the firm in contact with the BAEDC or a realtor.

Mr. Wooden said he assigned Mr. Norman Stephens to be the team director. Mr. Stephens is currently serving as the Deputy Police Chief. He has the management and people skills necessary to be an outstanding Economic Development Team leader. His primary responsibilities as Deputy Police Chief will continue. The other members of the Economic Development Team are specialists in their fields. Their contact with potential new businesses will normally be in the area of their expertise.

The IEDT will provide through coordination with the BAEDC, City resources and outside consultants, the information necessary to recruit businesses in today's highly competitive market. Today's corporate site selection organizations expect cities to provide detailed information tailored to their needs. We believe that time spent on surveying citizens determining their preferences, spending habits, community demographics, and driving times to various available sites would provide invaluable information with which to court new retail sales businesses to the area. The correlation of this information with national retailer profiles would provide positive leads to potential new members of the community and, when coupled with a high quality recruiting packet, would demonstrate to the businesses how interested the City of Broken Arrow is in having them become part of the City. The days of a generalized web site showing population figures and traffic counts bringing in new businesses are gone. Today the need is for information tailored to the

needs of the target business. The IEDT will be charged with bringing the City's information database up to today's standards. The IEDT will work closely with the BAEDC to minimize duplication of effort and maximize the value the City receives for its economic development dollar.

In addition to leading the Economic Development Team, Mr. Stephens will also serve as the City's Development/Construction Ombudsman for all problems associated with development in the City. One of the recurring comments received from developers and builders is that there is no one on the City staff they can go to, short of the City Manager that can provide rapid resolution of issues as they arise. As the City's Development/Construction Ombudsman Mr. Stephens will have the responsibility and authority to resolve disputes and bring to light systemic problems that he observes while serving in the Ombudsman's role. I believe that adding this role to the duties of the IEDT leader will give the City a functional single point of contact with the development and

Broken Arrow City Council Agenda Page 4 of 11 April 6, 2010

building industry. It will also supplement the current outreach program that the City has embarked on with businesses, developers, builders and contractors.

Both the BAEDC and the IEDT have an important role in the City's future economic development activities. The IEDT will provide coordination between the City staff and BAEDC while expediting economic development actions inside the City. The BAEDC supports the existing businesses, recruits retail, commercial and industrial firms. They provide valuable contacts for possible future developments and will develop with the City the business and industrial parks necessary for the City's continued economic growth. Only when the City becomes a full participant in economic development activities will the economic development services that are so vital to the future of the City of Broken Arrow, produce quantifiable, meaningful results that will benefit all of the citizens.

The staff recommends that the City Council approve the proposed Internal Economic Development Team and authorize their participation in the economic development process as outlined above.

Motion:	Move to approve continuation of an Internal Economic Development Team and authorize their participation in the economic development process
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

- B. Consideration and possible approval of a report from the Conference Center Committee and authorization for the City Manager to begin negotiations with representatives of Stoney Creek

Item Minutes: Mr. Wooden presented the details contained in the Fact Sheet and attached documents provided in the agenda packet. He said that on September 15, 2009, the City Council voted to establish a Conference Center Review Committee; and, this committee was to review the type of conference center needed, communicate with citizens their concerns about a conference center, evaluate locations, evaluate funding options and report their findings to the City Council; and, the Conference Center Review Committee met and discussed several times the information contained in the attached Fact Sheet Conference Center Funding Alternatives.

He said that upon completion of the review, it was recommended that the committee formulate a report with their recommendations and present it to the City Council after reviewing and approving it; on March 31, 2010, the Conference Center Review Committee met and approved the attached report; this report recommends that the City either negotiate a contract with developer for him to finance and construct the conference center with the City providing an incentive to the developer through a Hotel/Motel and Sales Tax only TIF District or Use bonds issued by BAEDA and repaid by a Hotel/Motel and Sales Tax only TIF District; they also recommended the Conference Center and hotel be located on the north side of Albany across from the Outdoor World Bass Pro Shop and, although not addressed in the report, the committee discussed the size of the conference center be in the 50,000 square foot range as previously discussed. Mr. Wooden said that staff has reviewed the Conference Center Review Committee report and recommends it be accepted and approved; and, staff also recommends that negotiations based on the report be started.

Motion:	Move to approve report from the Conference Center Committee and authorization for the City Manager to begin negotiations with representatives of Stoney Creek
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

building industry. It will also supplement the current outreach program that the City has embarked on with businesses, developers, builders and contractors.

Both the BAEDC and the IEDT have an important role in the City's future economic development activities. The IEDT will provide coordination between the City staff and BAEDC while expediting economic development actions inside the City. The BAEDC supports the existing businesses, recruits retail, commercial and industrial firms. They provide valuable contacts for possible future developments and will develop with the City the business and industrial parks necessary for the City's continued economic growth. Only when the City becomes a full participant in economic development activities will the economic development services that are so vital to the future of the City of Broken Arrow, produce quantifiable, meaningful results that will benefit all of the citizens. The staff recommends that the City Council approve the proposed Internal Economic Development Team and authorize their participation in the economic development process as outlined above.

Motion: Move to approve continuation of an Internal Economic Development Team and authorize their participation in the economic development process

Motion by: Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

B. Consideration and possible approval of a report from the Conference Center Committee and authorization for the City Manager to begin negotiations with representatives of Stoney Creek

Item Minutes: Mr. Wooden presented the details contained in the Fact Sheet and attached documents provided in the agenda packet. He said that on September 15, 2009, the City Council Noted to establish a Conference Center Review Committee; and, this committee was to review the type of conference center needed, communicate with citizens their concerns about a conference center, evaluate locations, evaluate funding options and report their findings to the City Council; and, the Conference Center Review Committee met and discussed several times the information contained in the attached Fact Sheet Conference Center Funding Alternatives.

He said that upon completion of the review, it was recommended that the committee formulate a report with their recommendations and present it to the City Council after reviewing and approving it: on March 31, 2010, the Conference Center Review Committee met and approved the attached report: this report recommends that the City either negotiate a contract with developer for him to finance and construct the conference center with the City providing an incentive to the developer through a Hotel/Motel and Sales Tax only TIF District or Use bonds issued by BAEDA and repaid by a Hotel/Motel and Sales Tax only TIF District: they also recommended the Conference Center and hotel be located on the north side of Albany across from the Outdoor World Bass Pro Shop and, although not addressed in the report, the committee discussed the site of the conference center be in the 50.00(1 square foot range as previously discussed. Mr. Wooden said that staff has reviewed the Conference Center Review Committee report and recommends it be

accepted and approved: and. staff also recommends that negotiations based on the report be started.

Motion: Move to approve report from the Conference Center Committee and authorization for the City Manager to begin negotiations with representatives of Stoney Creek

Motion by: Richard Carter

Second by: Craig Thurmond

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

Nays: None

Broken Arro\v City Council Agenda Page 5 of I I April 6. 20 10

- C. Adoption of Resolution No. 644 amending the Comprehensive Plan, Section 3.7.2. Policies-Transportation Issues, pertaining to frontage roads along limited access highways and Section 6.7. Future Transportation Needs.

Item Minutes: This item was presented as stated in the Fact Sheet provided in the agenda packet.

Motion:	Move to approve Resolution No. 644 amending the Comprehensive Plan, Section 3.7.2, Policies-Transportation Issues, pertaining to frontage roads along limited access highways and Section 6.7, Future Transportation Needs
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

- D. Accept and approval of the Broken Arrow Living Green Low Impact Development Certification Program

Item Minutes: Mr. Michael Skates, Development Services Director, reviewed the information contained in the Fact Sheet provided in the agenda packet.

Motion:	Move to approve the Broken Arrow Living Green Low Impact Development Certification Program
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

11. City Manager's Report

- A. None

12. Preview Ordinances

Section Minutes: The preview ordinances were presented in accordance with the Fact Sheets provided in the agenda packet.

Motion:	Move to pass the preview ordinances to the April 20, 2010 Council meeting and set for adoption
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Discussion of and potential action on amendments to Chapter 5, Article I, Section 5-22, which pertains to Keeping of animals other than dogs and cats: repealing all ordinances to the contrary: and declaring an emergency.
- B. An ordinance amending Chapter 14, Article I, Section 14-32 of the Broken Arrow Code pertaining to Costs upon judgment of conviction: repealing all ordinances to the contrary: and declaring an emergency.
- C. Preview of an ordinance approving a proposed change within the Subdivision Ordinance, Article 3, Section 3.2.aa, Building and Structure Setbacks from All High Pressure Pipelines, regarding the reduction of setbacks from high pressure pipelines that are no longer in use.

C. Adoption of Resolution No. 644 amending the Comprehensive Plan. Section 3.7.2. Policies-Transportation Issues. pertaining to frontage roads along limited access highways and Section 6.7. Future Transportation Needs.

Item Minutes: This item as presented as stated in the Fact Sheet provided in the agenda packet.

Motion: Move to approve Resolution No. 644 amending the Comprehensive Plan, Section 3.7.2, Policies-Transportation Issues, pertaining to frontage roads along limited access highways and Section 6.7, Future Transportation Needs

Motion by: Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

D. Accept and approval of the Broken Arrow Living Green Low Impact Development Certification Program

Item Minutes: Mr. Michael Skates. Development Services Director. reviewed the information contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve the Broken Arrow Living Green Low Impact Development Certification Program

Motion by: Richard Carter

Second by: Wade McCaleb

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

Nays: None

11. City Manager's Report

A. None

12. Preview Ordinances

Section Minutes: The preview ordinances were presented in accordance with the Fact Sheets prop ided in the agenda packet.

Motion: Move to pass the preview ordinances to the April 20, 2010 Council meeting and set for adoption

Motion by: Wade McCaleb

Second by: Richard Carter

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

Nays: None

A. Discussion of and potential action on amendments to Chapter 5. Article I. Section 5-22. which pertains to Keeping of animals other than dogs and cats: repealing all ordinances to the contrary: and declaring an emergency.

B. An ordinance amending Chapter 14. Article I. Section 14-32 of the Broken Arrow Code pertaining to Costs upon judgment of conviction: repealing all ordinances to the contrary: and declaring an emergency.

C. Preview of an ordinance approving a proposed change within the Subdivision Ordinance. Article 3. Section 3.2.aa. Building and Structure Setbacks from All High Pressure Pipelines. regarding the reduction of setbacks from high pressure pipelines that are no longer in use.

Broken Arro\y City Council Agenda Page 6 of I I April 6. 20 IO

- D. Preview of an ordinance approving proposed changes within the Zoning Ordinance (#2931).
Section 6.4.D. Planned Unit Development Procedures
- E. Preview of an ordinance approving proposed changes within the Zoning Ordinance (#2931).
Section 6.4.D. Planned Unit Development Procedures

13. Ordinances

Section Minutes: Ms. Wilkening reviewed the information contained in the Fact Sheet provided in the agenda packet. Ms. Wilkening pointed out that Ordinance 3067 should be numbered as 3106. Ordinance Nos. 3106, 3072, 3074, 3075, 3076, 3077, 3078, 3081, 3086, 3089, 3095, 3102 and 3104 were taken together. Ordinance 3103 was taken separately.

Motion:	Move to adopt Ordinance Nos. 3106, 3072, 3074, 3075, 3076, 3077, 3078, 3081, 3086, 3089, 3095, 3102 and 3104
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3106
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3072
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3074
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3075
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3076
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3077
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

D. Preview of an ordinance approving proposed changes within the Zoning Ordinance #293 I
Section 6.4.D. Planned Unit Development Procedures

E. Preview of an ordinance approving proposed changes within the Zoning Ordinance #2931).
Section 6.4.D. Planned Unit Development Procedures

13. Ordinances

Section Minutes: Ms. Wilkening reviewed the information contained in the Fact Sheet provided in the agenda packet. Ms. Wilkening pointed out that Ordinance 3067 should be numbered as 3106. Ordinance Nos. 3106. 3072. 3074. 3075. 3076. 3077. 3078. 3091. 3086. 3089. 3095. 3 102 and 3 104 were taken together. Ordinance 3 103 was taken separately.

Motion: Move to adopt Ordinance Nos. 3106, 3072, 3074, 3075, 3076, 3077, 3078, 3081, 3086, 3089, 3095, 3102 and 3104

Motion by: Wade McCaleb

Second by: Richard Carter

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3106

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3072

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3074

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3075

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3076

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3077

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Broken Arrow City Council Agenda Page 7 of 11 April 6, 2010

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3078
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3081
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3086
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3089
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3095
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3102
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3104
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Adoption of Ordinance No. 3067 amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1838 and PUD 35A, granting CG and PUD 35A zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. Adoption of Ordinance No. 3072 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1819 and PUD 194, And granting IL and PUD 194 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. Adoption of Ordinance No. 3074 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1829, 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

Motion: Move to adopt the Emergency Clause for Ordinance No. 3078

Motion by Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3081

Motion by: Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3086

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3089

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3095

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3102

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3104

Motion by: Wade McCaleb

Second by Craig Thurmond

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

Nays: None

A. Adoption of Ordinance No. 3067 amending the zoning ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 293 I) approving BAZ 1838 and PUD 35A. granting CG and PUD 35A zoning to be placed upon the tract. repealing all ordinances or parts of ordinances in conflict herewith. and declaring an emergency

B. Adoption of Ordinance No. 3072 amending the zoning Ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 2931) approving BAZ 1819 and PUD 194. And granting IL and PUD 194 zoning to be placed upon the tract. repealing all ordinances or parts of ordinances in conflict

herewith. and declaring an emergency

C. Adoption of Ordinance No. 3074 amending the zoning Ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 293 I) approving BAZ 1829. 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

Broken Arrow City Council Agenda Page 9 of 11 April 6, 2010

- D. Adoption of Ordinance No. 3075 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1831, granting RS-1 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. 3076 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1825 and PUD 199, and granting CN and PUD 199 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. 3077 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1830, and granting CH 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. 3078 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving the abrogation of a part of PUD 140 be placed upon the tracts repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- H. Adoption of Ordinance No. 3081 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1835, 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
- I. Adoption of Ordinance No. 3086 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving PUD 182 zoning classifications be placed upon the tracts repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- J. Adoption of Ordinance No. 3089 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1839, 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. 3095 amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1836, granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- L. Adoption of Ordinance 3102, an Ordinance Amending the Broken Arrow Code Chapter 6, Article XI, Building Permit Fees and Charges, Sections 6-301, fees and 6- 302, pertaining to Permit Fees and Building Permit Application Fees; Repealing all Ordinances to the Contrary; and Declaring an Emergency
- M. Adoption of Ordinance No. 3103 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 all ordinances to the contrary

Item Minutes: Ms. Wilkening presented Ordinance No. 3103. She summarized the background details contained in the Fact Sheet provided in the agenda packet. She stated that a public hearing on the improvements was held on April 7, 2009 and that the City Clerk received two written protests. She explained that only one person actually protested establishment of the assessment district, and the other was not technically a protest, as it was from the applicant and only requested re-distribution of the costs of the District. Ms. Wilkening said that state statute provides that if the record owners of more than one-

D. Adoption of Ordinance No. 3075 amending the zoning Ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 293 I) approving BAZ 1831. granting RS- I 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. 3076 amending the zoning Ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 2931) approving BAZ 1825 and PUD 199. and granting CN and PUD 199 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. 3077 amending the zoning Ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 293 I) approving BAZ 1830. and granting CH 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. 3078 amending the zoning Ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 2931) approving the abrogation of a part of PUD 140 be placed upon the tracts repealing all ordinances or parts of ordinances in conflict herewith. and declaring an emergency

H. Adoption of Ordinance No. 3081 amending the zoning Ordinance of the Cit of Broken Arrow. Oklahoma Ordinance No. 293 I) approving BAZ 1835. 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

I. Adoption of Ordinance No. 3086 amending the zoning Ordinance of the Cit of Broken Arrow. Oklahoma Ordinance No. 293 I) approving PUD 182 zoning classifications be placed upon the tracts repealing all ordinances or parts of ordinances in conflict herewith. and declaring an emergency

J. Adoption of Ordinance No. 3089 amending the zoning Ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 2931) approving BAZ 1839. 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. 3095 amending the zoning ordinance of the City of Broken Arrow. Oklahoma Ordinance No. 293 I) approving BAZ 1836. granting RS-3 zoning to be placed upon the tract. repealing all ordinances or parts of ordinances in conflict herewith. and declaring an emergency

L. Adoption of Ordinance 3 102. an Ordinance Amending the Broken Arrow Code Chapter 6. Article XI. Building Permit Fees and Charges. Sections 6-301. fees and 6- 302. pertaining to Permit Fees and Building Permit Application Fees: Repealing all Ordinances to the Contrary: and Declaring an Emergency

M. Adoption of Ordinance No. 3103 not to be codified. hereby acknowledging the 140th Street Assessment District. Referring to the Amended Public Improvement Assessment Roll as Confirmed. Providing for pad ment. Levying assessments in accordance with the Roll and declaring liens: and repealing all ordinances to the contrary

Item Minutes: Ms. Wilkening presented Ordinance No. 3 103. She summarized the background details contained in the Fact Sheet provided in the agenda packet. She stated that a public hearing on the improvements was held on April 7. 2009 and that the Cit Clerk received two written protests. She explained that only one person actually protested establishment of the assessment district. and the other was not technically a protest. as it was from the applicant and onl requested re-distribution of the costs of the District. Ms.

Wilkening said that state statute provides that if the record owners of more than one-
Broken Arrow City Council Agenda Page 9 of 11 April 6, 2010

half of the land liable to be assessed do not file a written protest, the Council may cause the improvements to be made. The one protest did not meet these criteria.

She added that Resolution 582 was adopted by the Council on May 5, 2009 and it declared the insufficiency of the protests and expressed the Council's determination to proceed with the improvements. She said a public hearing was held on February 16, 2010 and explained that prior to the hearing an Amended Public Improvement Assessment Roll was filed with the City Clerk's Office, letters explaining the process, the 140th Street Assessment District Legal Notice of Public Hearing and the Amended Assessment Roll were mailed to all residents on January 22, 2010 which was well in advance of the statutory notice requirements; and, publication in a newspaper of general circulation was also accomplished in accordance with state law.

Ms. Wilkening stated that the City Clerk received no complaints or objections regarding the apportionment of the lots and Assessment Roll. Ms. Wilkening added that she had received a request from Mr. Pope, the applicant, that all assessments from his four (4) properties be placed on the real property identified as 11402 South 140th East Avenue. This was accomplished on the Amended Assessment Roll.

Ms. Wilkening said that Resolution 642, which was approved on March 2, 2010, confirmed the apportionment and assessment of the 140th Street Assessment District; and, Ordinance 3103 refers to the Amended Assessment Roll, as confirmed, provides for payment, levies assessments, and declares liens. She explained that specifically, those indentified in the Assessment Roll, may pay the assessment in full within thirty (30) days of the publication of the Ordinance without penalty or interest; otherwise, residents may make ten annual payments to satisfy this obligation, with interest, not to exceed 13% per year.

Motion:	Move to adopt Ordinance No. 3103 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 all ordinances to the contrary
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

- N. Adoption of Ordinance 3104, an Ordinance Amending Chapter 24, Water, Sewers and Sewage Disposal, Article VI, Section 24-602, Service Tap Charge; Repealing all Ordinances to the Contrary; and Declaring and Emergency

14. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb said that on April 17, 2010 Council will be out cleaning up their 'Adopt-A-Mile' section.

At 7:25p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

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

half of the land liable to be assessed do not file a written protest. the Council may cause the improvements to be made. The one protest did not meet these criteria. She added that Resolution 592 was adopted by the Council on May 5, 2009 and it declared the insufficiency of the protests and expressed the Council's determination to proceed with the improvements. She said a public hearing was held on February 16, 2010 and explained that prior to the hearing an Amended Public Improvement Assessment Roll was filed with the City Clerk's Office. Letters explaining the process, the 140th Street Assessment District Legal Notice of Public Hearing and the Amended Assessment Roll were mailed to all residents on January 22, 2010 which was well in advance of the statutory notice requirements; and, publication in a newspaper of general circulation was also accomplished in accordance with state law.

Ms. Wilkening stated that the City Clerk received no complaints or objections regarding the apportionment of the lots and Assessment Roll. Ms. Wilkening added that she had received a request from Mr. Pope, the applicant, that all assessments from his four (4) properties be placed on the real property identified as 11402 South 140th East Avenue. This was accomplished on the Amended Assessment Roll. Ms. Wilkening said that Resolution 642, which was approved on March 2, 2010, confirmed the apportionment and assessment of the 140th Street Assessment District; and, Ordinance 3103 refers to the Amended Assessment Roll, as confirmed, provides for payment, levies assessments, and declares liens. She explained that specifically, those identified in the Assessment Roll, may pay the assessment in full within thirty (30) days of the publication of the Ordinance without penalty or interest; otherwise, residents may make ten annual payments to satisfy this obligation, with interest, not to exceed 13% per year.

Motion: Move to adopt Ordinance No. 3103 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 all ordinances to the contrary

Motion by: Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

N. Adoption of Ordinance 3104, an Ordinance Amending Chapter 24, Water, Sewers and Sewage Disposal, Article VI, Section 24-602, Service Tap Charge: Repealing all Ordinances to the Contrary; and Declaring an Emergency

14. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb said that on April 17, 2010 Council will be out cleaning up their 'Adopt-A-Mile' section.

At 7:25p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion: Move to recess into the Broken Arrow Municipal Authority Meeting and the Broken Arrow Economic Development Authority meeting

Motion by: Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

Broken Arrow City Council Agenda Page 10 of 11 April 6, 2010

Mayor Lester reconvened the regular meeting at 7:36 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 by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester reconvened the regular meeting at 7:43 p.m.

Motion:	Move to enter into Executive Session
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

15. **Executive Session** for the purpose of confidential communications and possible action in open session between the City Council, the City Manager, and the City Attorney on potential litigation with Roland Investments, Ltd., for real property and improvements thereto located in the Stone Wood Hills/Bass Pro area, the acquisition and possible condemnation of Bass Pro Drive from Albany to the western boundary of the Bass Pro property; under 25 O.S. § 307(B)(4) and 25 O.S. § 307 (B)(3). The Council is advised that disclosure will seriously impair the ability of the public body to process this potential 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: Section Minutes: Mayor Lester reconvened the regular session of the City Council meeting at 7:50 p.m. and the room was opened for those in attendance.

Motion:	Move to authorize the City Attorney to negotiate with Roland Investments, Ltd. Towards resolution of potential litigation regarding real property and improvements
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to authorize the City Attorney to prepare the necessary documents for Council consideration for the condemnation of a portion of Bass Pro Drive
Motion by:	Craig Thurmond
Second by:	Wade McCaleb
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None


16. **Adjournment**

The meeting adjourned at 7:53 p.m.

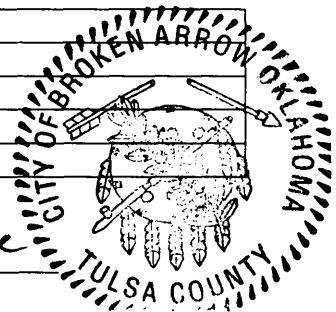
Motion:	Move to adjourn
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester
Nays:	None



 Mayor



 City Clerk



Mayor Lester reconvened the regular meeting at 7:36 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: Richard Carter, Wade McCaleb, Craig Thurmond, Mike Lester

Nays: None

Mayor Lester reconvened the regular meeting at 7:43 p.m.

Motion: Move to enter into Executive Session

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

15. Executive Session for the purpose of confidential communications and possible action in open session between the City Council, the City Manager, and the City Attorney on potential litigation with Roland Investments, Ltd., for real property and improvements thereto located in the Stone Wood Hills/Bass Pro area, the acquisition and possible condemnation of Bass Pro Drive from Albany to the western boundary of the Bass Pro property; under 25 O.S. 307(B)(4) and 25 O.S. 307 B)(3). The Council is advised that disclosure will seriously impair the ability of the public body to process this potential 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: Section Minutes: Mayor Lester reconvened the regular session of the City Council meeting at 7:50 p.m. and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to negotiate with Roland Investments, Ltd. Towards resolution of potential litigation regarding real property and improvements

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Motion: Move to authorize the City Attorney to prepare the necessary documents for Council consideration for the condemnation of a portion of Bass Pro Drive

Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

16. Adjournment

The meeting adjourned at 7:53 p.m.

Motion: Move to adjourn 1 t

Motion b Wade McCaleb

Second b Craig Thurmond

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

Na s: None

Page 11 of 11

April 6, 2010