

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
April 20, 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:** No one was present to deliver an Invocation.

**3. Roll Call**

<b>Present:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Absent:</b>	None

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

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

**5. Administration of Oaths of Office**

**Section Minutes:** Judge Steven Edgar administered the Oaths of Office to Councilor Jill Norman. He stated that Councilor Norman signed the Oaths last night [Note: Actually signed on April 16, 2010]

**6. Consideration of Consent Agenda**

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

<b>Motion:</b>	<b>Move to approve the Consent Agenda as presented</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- A. Acceptance of the minutes of the Planning Commission meeting held March 25, 2010.
- B. Approval and authorization for the Mayor to sign a letter to the Oklahoma Military Department concerning street improvements at the new Armed Forces Reserve Center (AFRC) at Midway and 101st Street South.
- C. Approval to excuse certain absences of Planning Commission Member Mickie Taylor due to employment obligations with AEP/PSO
- D. Approval of Bids Received, Award the most advantageous, and Authorization to enter into a Construction Contract for Omaha and Elm Signalization
- E. Acceptance of Utility Easement and Deed of Dedication from Marlin and Peggy Dunn, located In Sections 35 and 36, Township 18 North, Range 14 East
- F. Acceptance of Utility Easement and Deed of Dedication from Michael S. and Belinda S. McDonald, located in the Northwest Quarter of Section 36, Township 18 North, Range 14 East
- G. Acceptance of Public Improvement Eastern Oklahoma Oral and Maxillofacial Surgeons
- H. Acceptance of Public Improvements Family Video
- I. Acceptance of Public Improvements Millicent Pond II
- J. Acceptance of Public Improvements Stone Ridge Towne Center
- K. Approval of the Claims List

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

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

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

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

April 20, 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: No one was present to deliver an Invocation.

3. Roll Call

Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Present:

Absent: None

4.

Pledge of Allegiance to the Flag

Section Minutes: Vice Mayor Thurmond led the Pledge of Allegiance to the Flag.

5. Administration of Oaths of Office

Section Minutes: Judge Steven Edgar administered the Oaths of Office to Councilor Jill Norman. He stated that Councilor Norman signed the Oaths last night Note: Actually signed on April 16, 2010

6. Consideration of Consent Agenda

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

Motion: Move to approve the Consent Agenda as presented

Motion b Richard Carter

Second b Wade McCaleb

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

A. Acceptance of the minutes of the Planning Commission meeting held March 25, 2010.

B. Approval and authorization for the Mayor to sign a letter to the Oklahoma Military Department concerning street improvements at the new Armed Forces Reserve Center (AFRO) at Midway and 101st Street South.

C. Approval to excuse certain absences of Planning Commission Member Mickie Taylor due to employment obligations with AEP/PSO

D. Approval of Bids Received. Award the most advantageous, and Authorization to enter into a Construction Contract for Omaha and Elm Signalization

E. Acceptance of Utility Easement and Deed of Dedication from Marlin and Peggy Dunn, located in Sections 35 and 36, Township 18 North, Range 14 East

F. Acceptance of Utility Easement and Deed of Dedication from Michael S. and Belinda S. McDonald, located in the Northwest Quarter of Section 36, Township 18 North, Range 14 East

G. Acceptance of Public Improvement Eastern Oklahoma Oral and Maxillofacial Surgeons

H. Acceptance of Public Improvements Family Video

1. Acceptance of Public Improvements Millicent Pond II

J. Acceptance of Public Improvements Stone Ridge Towne Center

K. Approval of the Claims List

## 7. Consideration of Items Removed from Consent Agenda

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

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

Broken Arro\\ Cit Council Page I of 7 April 20. 20 IO

- A. Approval of Proclamation declaring the week of April 18 - 24, 2010, as Volunteers in Police service week, recognition of Volunteers, and brief presentation

**Item Minutes:** City Manager, Mr. Dave Wooden, presented this item stating that the week of April 18 - 24, 2010 is National Volunteer Appreciation Week, and the City and Police Department would like to recognize the "Volunteers in Police Service" for the assistance they provide to the Broken Arrow Police Department and the City of Broken Arrow; and, these volunteers include the BAPD Reserve Officers, Domestic Intervention Victims Emergency Response Team (DiVERT), BAPD Chaplains and BAPD Animal Control volunteers. Mr. Wooden added that the volunteers have donated more than 11,773.67 hours to the Police Department and the City of Broken Arrow which translates into a savings of \$238,416.82 for the City of Broken Arrow.

Mayor Lester asked for a motion to approve and present the Proclamation. After the vote, he called Lisa Ford, PD volunteer program coordinator, and the volunteers present at the meeting to the podium. he read the Proclamation aloud and presented it.

Chief of Police, Todd Wuestewald, asked to make a few comments. He said the volunteers present to receive the Proclamation were just a few of the total. He added that the Police Department was fortunate to have over 100 volunteers and he stated that they were all appreciated. Chief Wuestewald added that the person who made the volunteer program possible was Lisa Ford and it was her hard work that put the program in place and made it a success. He said he wanted to publicly acknowledge Ms. Ford's hard work on this program and surprised her with a leadership coin to commemorate her initiative, efforts and dedication.

There was no action required or taken for Chief Wuestewald's presentation.

<b>Motion:</b>	<b>Move to approve Proclamation declaring the week of April 18 - 24, 2010, as Volunteers in Police service week, recognition of Volunteers, and brief presentation</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- B. Approval of Proclamation declaring the week of May 2-9, 2010 as "Youth Week"

**Item Minutes:** Mr. Wooden asked if anyone was present from Broken Arrow Elks to receive the Proclamation. There was no one present. The Mayor said he will contact the Broken Arrow Elks and arrange delivery of the Proclamation. Mr. Wooden said this proclamation gives Council an opportunity to recognize the efforts and accomplishments of Broken Arrow Elks Lodge No. 2673. It expresses the Council's sincere appreciation for the work accomplished and dedication shown the youth of Broken Arrow.

<b>Motion:</b>	<b>Move to approve Proclamation declaring the week of May 2-9, 2010 as "Youth Week"</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

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

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

10. **General Council Business**

- A. BACP 110 and BAZ 1843, Korean Church of Tulsa, 3.28 acres, Level 1 to Level 2, R-1 to ON, southeast corner of Olive Avenue (129th East Avenue) and 68th Street South.

**Item Minutes:** Mr. Farhad Daroga, Planning Department Manager, presented the information contained in the Fact Sheet provided in the agenda packet as follows:

BACP 110 is a request to change the Comprehensive Plan designation on a 3.28 acre parcel from Level 1 to Level 2. The unplatted property is located on the southeast corner of Olive Avenue and 68th Street South. In addition, BAZ 1843, a request to rezone the property from R-1 to ON has been submitted in conjunction with BACP 110. The property has not been platted.

The Planning Commission, in their meeting of March 25, 2010, reviewed BACP 110 and BAZ 1843 and recommended approval as recommended by Staff. Several people expressed concern regarding the traffic that could be caused by possible ancillary uses, such as a school, and one person objected to the proposed roofing materials to be used on the building. The applicant informed the Planning Commission that their Church does not have any plans for a School. The applicant also informed staff that they are willing to place this condition in the plat of the property, which addresses the neighbors' concerns.

A. Approval of Proclamation declaring the week of April 18 24. 20 10. as Volunteers in Police service week, recognition of Volunteers, and brief presentation

Item Minutes: City Manager, Mr. Dave Wooden, presented this item stating that the week of April 18 24, 2010 is National Volunteer Appreciation Week, and the City and Police Department would like to recognize the Volunteers in Police Service" for the assistance they provide to the Broken Arrow Police Department and the City of Broken Arrow: and, these volunteers include the BAPD Reserve Officers, Domestic Intervention Victims Emergency Response Team (DIVERT), BAPD Chaplains and BAPD Animal Control volunteers. Mr. Wooden added that the volunteers have donated more than 11,773.67 hours to the Police Department and the City of Broken Arrow which translates into a savings \$ 23,168.2 for the City of Broken Arrow.

Mayor Lester asked for a motion to approve and present the Proclamation. After the Note, he called Lisa Ford, PD volunteer program coordinator, and the volunteers present at the meeting to the podium, she read the Proclamation aloud and presented it.

Chief of Police, Todd Wucstewald, asked to make a few comments. He said the volunteers present to receive the Proclamation were just a few of the total. He added that the Police Department was fortunate to have over 100 volunteers and he stated that they were all appreciated. Chief Wucstewald added that the person who made the volunteer program possible was Lisa Ford and it was her hard work that put the program in place and made it a success. He said he wanted to publicly acknowledge Ms. Ford's hard work on this program and surprised her with a leadership coin to commemorate her initiative, efforts and dedication.

There was no action required or taken for Chief Wucstewald's presentation.

Motion: Move to approve Proclamation declaring the week of April 18 24, 2010, as Volunteers in Police service week, recognition of Volunteers, and brief presentation

Motion by Craig Thurmond

Second by Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

B. Approval of Proclamation declaring the week of May 2-9, 20 10 as Youth Week"

Item Minutes: Mr. Wooden asked if anyone was present from Broken Arrow Elks to receive the Proclamation. There was no one present. The Mayor said he will contact the Broken Arrow Elks and arrange delivery of the Proclamation. Mr. Wooden said this proclamation gives Council an opportunity to recognize the efforts and accomplishments of Broken Arrow Elks Lodge No. 2673). It expresses the Council's sincere appreciation for the work accomplished and dedication shown by the youth of Broken Arrow.

Motion: Move to approve Proclamation declaring the week of May 2-9, 2010 as Youth Week"

Motion by Richard Carter

Second by Wade McCaleb

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

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

Section Minutes: There were no requests to speak.

#### 10. General Council Business

A. BACP 110 and BAZ 184' Korean Church of Tulsa. 3.28 acres. Level I to Level 2. R- I to ON. southeast corner of Olive Avenue (29th East ANCNue) and 68th Street South.

Item Minutes: Mr. Farhad Daroga, Planning Department Manager, presented the information contained in the Fact Sheet provided in the agenda packet as follows:

BACP 110 is a request to change the Comprehensive Plan designation on a 3.28 acre parcel from Level I to Level 2. The unplatted property is located on the southeast corner of Olive Avenue and 68th Street South. In addition, BAZ 1843), a request to rezone the property from R- I to ON has been submitted in conjunction with BACP 110. The property has not been platted.

The Planning Commission, in their meeting of March 25, 2010, reviewed BACP 110 and BAZ 184' and recommended approval as recommended by Staff. Several people expressed concern regarding the traffic that could be caused by possible ancillary uses, such as a school, and one person objected to the proposed roofing materials to be used on the building. The applicant informed the Planning Commission that their Church does not have any plans for a School. The applicant also informed staff that they are willing to place this condition in the plat of the property, which addresses the neighbors' concerns.

Broken \rro\ Cith Council Page 2 of 7 April 20, 20 10

Mayor Lester called Mr. Wally Wozencraft, architect for the applicant, who reviewed details of the project and said the design would complement surrounding neighbors and development. Mr. Jim King addressed Council and stated that this project was well handled and the neighbors were pleased with it. Ms. Linda Lind addressed Council and complimented the City's handling of this project.

City Attorney, Ms. Beth Anne Wilkening recommended that two separate motions be made for this item.

<b>Motion:</b>	<b>Move to approve BACP 110 and BAZ 1843, Korean Church of Tulsa, 3.28 acres, Level 1 to Level 2, R-1 to ON, southeast corner of Olive Avenue (129th East Avenue) and 68th Street South as recommended by the Planning Commission and Staff, subject to the property being platted</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to accept the applicant's proposal to place land use limitations on this property through the plat, as proposed</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- B. Consideration and Possible approval of First Amendment to Memorandum of Understanding Regarding the ONG Pipeline Relocation between the City of Broken Arrow and Roland Investments, Ltd.

**Item Minutes:** Ms. Wilkening requested that items 10B, 10C, and 10D be taken together. She asked that all three items be tabled until the May 4, 2010 Council meeting because opposing Counsel had spoken with her requesting modifications to the documents. Ms. Wilkening said the call came late in the day preceding the Council meeting and she is requesting that the items be tabled to allow for further review.

<b>Motion:</b>	<b>Move to table until the May 4, 2010 Council meeting consideration and possible approval of First Amendment to Memorandum of Understanding Regarding the ONG Pipeline Relocation between the City of Broken Arrow and Roland Investments, Ltd.</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- C. Consideration and Possible approval of Second Amendment to Memorandum of Understanding regarding the proposed conference center site between the City of Broken Arrow and Roland Investments, Ltd.

<b>Motion:</b>	<b>Move to table until the May 4, 2010 Council meeting Consideration and Possible approval of Second Amendment to Memorandum of Understanding regarding the proposed conference center site between the City of Broken Arrow and Roland Investments, Ltd.</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- D. Approval of Resolution of Necessity No. 649 to condemn property located in the Northwest Quarter of Section 2, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma

<b>Motion:</b>	<b>Move to table until the May 4, 2010 Council meeting Approval of Resolution of Necessity No. 649 to condemn property located in the Northwest Quarter of Section 2, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- E. Consideration and possible approval of nominations for the Broken Arrow Economic Development Corporation Board of Directors

**Item Minutes:** Mr. Wooden presented the information contained in the Fact Sheet provided in the agenda packet. He summarized stating that Article IX of the Articles of Incorporation of the Broken Arrow Economic Development Corporation (BAEDC) requires that the City Manager, the Broken Arrow School District Superintendent and the Chief Executive Officer of the Broken Arrow Chamber of Commerce make nominations to the BAEDC. Mr. Wooden said the nominees to serve on the BAEDC Board of Directors are Mr. Jim Beavers and Mr. Jake Nabholz who will replace Mr. Rick Hudson and Ms. Narissa Rampey whose terms on the BAEDC Board are expiring.

Mayor Lester called Mr. Wally Wozencraft, architect for the applicant. NN ho reviewed details of the project and said the design would complement surrounding neighbors and development. Mr. Jim King addressed Council and stated that this project was well handled and the neighbors were pleased with it. Ms. Linda Lind addressed Council and complimented the City's handling of this project.

City Attorney. Ms. Beth Anne Wilkening recommended that two separate motions be made for this item.

Motion: Move to approve BACP 110 and BAZ 1843, Korean Church of Tulsa, 3.28

acres, Level 1 to Level 2, R-1 to ON, southeast corner of Olive Avenue 129th

East Avenue) and 68th Street South as recommended by the Planning

Commission and Staff, subject to the property being platted

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

Motion: Move to accept the applicant's proposal to place land use limitations on this property through the plat, as proposed

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

B. Consideration and Possible approval of First Amendment to Memorandum of Understanding Regarding the ONG Pipeline Relocation between the City of Broken Arrow and Roland Investments, Ltd.

Item Minutes: Ms. Wilkening requested that items IOB, IOC, and IOD be taken together. She asked that all three items be tabled until the May 4, 2010 Council meeting because opposing Counsel had spoken with her requesting modifications to the documents. Ms. Wilkening said the call came late in the day preceding the Council meeting and she is requesting that the items be tabled to allow for further review.

Motion: Move to table until the May 4, 2010 Council meeting consideration and possible approval of First Amendment to Memorandum of Understanding Regarding the ONG Pipeline Relocation between the City of Broken Arrow and Roland Investments, Ltd.

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

C. Consideration and Possible approval of Second Amendment to Memorandum of Understanding regarding the proposed conference center site between the City of Broken Arrow and Roland Investments, Ltd.

Motion: Move to table until the May 4, 2010 Council meeting Consideration and

Possible approval of Second Amendment to Memorandum of

Understanding regarding the proposed conference center site between the City of Broken Arrow and Roland Investments, Ltd.

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester



Nays: None

D. Approval of Resolution of Necessity No. 649 to condemn property located in the Northwest Quarter of Section 2, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma

Motion: Move to table until the May 4, 2010 Council meeting Approval of

Resolution of Necessity No. 649 to condemn property located in the

Northwest Quarter of Section 2, Township 18 North, Range 14 East of the

Indian Base and Meridian, Tulsa County, Oklahoma

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

E. Consideration and possible approval of nominations for the Broken Arrow Economic Development Corporation Board of Directors

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

packet. He summarized stating that Article IX of the Articles of Incorporation of the Broken Arrow

Economic Development Corporation (BAEDC) requires that the City Manager, the Broken Arrow

School District Superintendent and the Chief Executive Officer of the Broken Arrow Chamber of

Commerce make nominations to the BAEDC. Mr. Wooden said the nominees to serve on the

BAEDC Board of Directors are Mr. Jim Beavers and Mr. Jake Nabholz who will replace Mr. Rick

Hudson and Ms. Narissa Rampey whose terms on the BAEDC Board are expiring.

Broken Arrow City Council Page 3 of 7 April 20, 2010

<b>Motion:</b>	<b>Move to approve the nominations of Mr. Jim Beavers and Mr. Jake Nabholz for the Broken Arrow Economic Development Corporation Board of Directors</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- F. Consideration of and possible approval to reschedule the June 2010 City Council meetings from June 1 and 15, 2010 to June 7 and 21, 2010

**Item Minutes:** Mr. Wooden presented the information contained in the Fact Sheet provided in the agenda packet. Council agreed that rescheduling the meetings in June will allow Councilors to participate in the park event.

<b>Motion:</b>	<b>Move to approve rescheduling the June 2010 City Council meetings from June 1 and 15, 2010 to June 7 and 21, 2010</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- G. **Consideration and possible approval of request to waive the requirement for rezoning prior to reconstruction of structure on property, for Therman and Mary Jones property (522 N Main Street)**

**Item Minutes:** Mr. Michael Skates, Development Services Director, presented the details contained in the Fact Sheet provided in the agenda packet. He summarized the information stating that the property located at 522 North Main Street is in a severe state of dilapidation, decay and collapse. He added that the owners/occupants, Therman and Mary Jones, applied for HOME funds to use for demolition and reconstruction of their home. Mr. Skates said that staff determined the zoning to be DM (Downtown Mixed-Use Core District) which is typically commercial on the first floor with residential use on the second floor.

Mr. Skates stated that the proposed reconstructed home would be single family/single story comparable to the existing home and without a commercial use. He said that the current zoning would not detract from the surrounding area, and to require the Jones' to rezone would impose a hardship on them. He added that the Jones' request the requirement for rezoning be waived.

<b>Motion:</b>	<b>Move to approve of request to waive the requirement for rezoning prior to reconstruction of structure on property, for Therman and Mary Jones property (522 N Main Street)</b>
<b>Motion by:</b>	Jill Norman
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- H. Receive for consideration an official ballot from the Oklahoma Municipal Assurance Group to fill two Trustee positions for 3-year terms and approval to submit for Council to select two nominees at the May 4, 2010 meeting of the City Council

**Item Minutes:** Mayor Lester acknowledged receipt of the OMAG ballot for review of candidates and approved bringing this item back at the May 4, 2010 meeting for selection of nominees. Mayor Lester added that Council had received letters from several of the nominees.

<b>Motion:</b>	<b>Move to receive for consideration an official ballot from the Oklahoma Municipal Assurance Group to fill two Trustee positions for 3-year terms and approval to submit for Council to select two nominees at the May 4, 2010 meeting of the City Council</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

11. **City Manager's Report**

None.

12. **Preview Ordinances**

**Section Minutes:** The Preview Ordinances 12A, 12B and 12C were taken together

Ms. Wilkening explained that Item 12A, Ordinance No. 3068, was adopted previously. She said that the legal description on the Ordinance there was a problem with the legal description which is now corrected and the corrected Ordinance 3068 is presented to Council for preview.

Motion: Move to approve the nominations of Mr. Jim Beavers and Mr. Jake Nabholz for the Broken Arrow Economic Development Corporation Board of Directors

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

F. Consideration of and possible approval to reschedule the June 2010 City Council meetings from June 1 and 15, 2010 to June 7 and 21, 2010

Item Minutes: Mr. Wooden presented the information contained in the Fact Sheet provided in the agenda packet. Council agreed that rescheduling the meetings in June will allow Councilors to participate in the park event.

Motion: Move to approve rescheduling the June 2010 City Council meetings from June 1 and 15, 2010 to June 7 and 21, 2010

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

G. Consideration and possible approval of request to waive the requirement for rezoning prior to reconstruction of structure on property, for Therman and Mary Jones property 522 N Main Street)

Item Minutes: Mr. Michael Skates, Development Services Director, presented the details contained in the Fact Sheet provided in the agenda packet. He summarized the information stating that the property located at 522 North Main Street is in a severe state of dilapidation, decay and collapse. He added that the owners/occupants, Therman and Mary Jones, applied for HOME funds to use for demolition and reconstruction of their home. Mr. Skates said that staff determined the zoning to be DM (Down town Mixed-Use Core District) which is typically commercial on the first floor with residential use on the second floor.

Mr. Skates stated that the proposed reconstructed home would be single family/single story comparable to the existing home and without a commercial use. He said that the current zoning would not detract from the surrounding area, and to require the Jones' to rezone would impose a hardship on them. He added that the Jones' request the requirement for rezoning be waived.

Motion: Move to approve of request to waive the requirement for rezoning prior to reconstruction of structure on property, for Therman and Mary Jones property 522 N Main Street)

Motion b Jill Norman

Second b Craig Thurmond

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

H. Receive for consideration an official ballot from the Oklahoma Municipal Assurance Group to fill two Trustee positions for 3-year terms and approval to submit for Council to select two nominees at the May 4, 2010 meeting of the City Council

Item Minutes: Mayor Lester acknowledged receipt of the OMAG ballot for review of candidates and approved bringing this item back at the May 4, 2010 meeting for selection of nominees. Mayor Lester added that Council had received letters from several of the nominees.

Motion: Move to receive for consideration an official ballot from the Oklahoma Municipal Assurance Group to fill two Trustee positions for 3-year terms and approval to submit for Council to select two nominees at the May 4, 2010 meeting of the City Council

Motion b Craig Thurmond

Second b Jill Norman

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

11. City Manager's Report

None.

12. Preview Ordinances

Section Minutes: The Preview Ordinances 12A, 12B and 12C were taken together

Ms. Wilkening explained that Item 12A, Ordinance No. 3068, was adopted previously. She said that the legal description on the Ordinance there was a problem with the legal description which is now corrected and the corrected Ordinance 3068 is presented to Council for preview.

Broken Arrow City Council Page 4 of 7 April 20, 2010

Ms. Wilkening stated that the preview ordinance in Item 12B had a few minor corrections and also will prohibit beehives in backyards of homes that are not zoned agricultural.

Ms. Wilkening stated that the preview ordinance in Item 12C was back for preview because in order to provide a response to Councilor McCaleb's question at the April 20, 2010. She said that he asked about the amount of land required for a full size horse as compared to a miniature horse. She said that a local equine vet informed her that a full size horse needs at least an acre. She said that in regard to miniature horses, the statute requires at least an acre of space not including the area occupied by a home.

<b>Motion:</b>	<b>Move to pass the Preview Ordinances to the May 4, 2010 meeting for adoption</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- A. Preview of Corrected Ordinance No. 3068 amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1802 and Specific Use Permit 225, granting a CH zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- B. An ordinance amending Chapter 5, Article I, Section 5-11 of the Broken Arrow Code pertaining to Restriction on location of stables, kennels, coops, etc.; repealing all ordinances to the contrary; and declaring an emergency.
- C. An Ordinance amending 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

### 13. Ordinances

**Section Minutes:** Ms. Wilkening presented the Ordinances for adoption in accordance with the information contained in the Fact Sheets provided in the agenda packet.

<b>Motion:</b>	<b>Move to adopt Ordinance Nos. 3105, 3107 and 3109</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve the Emergency Clause for Ordinance No. 3105</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve the Emergency Clause for Ordinance No. 3107</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve the Emergency Clause for Ordinance No. 3109</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- A. Ordinance No. 3105 An ordinance amending Article 3, Section 3.2, aa of the Land Subdivision Code of the City of Broken Arrow, Oklahoma, pertaining to building structure setbacks from high pressure pipelines, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- B. Ordinance No. 3107 An ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, amending Ordinance No. 2931, Section 6.4.D.1, pertaining to Planned Unit Development Procedures repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- C. Ordinance No. 3109 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

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

**Section Minutes:** Councilor McCaleb said that the "Trash Bash" event was a success and that Councilor Norman participated in her first "Trash Bash".

Ms. Wilkening stated that the preview ordinance in Item I2B had a few minor corrections and also will prohibit beehives in backyards of homes that are not zoned agricultural.

Ms. Wilkening stated that the preview ordinance in Item 12C was back for preview because in order to provide a response to Councilor McCaleb's question at the April 20, 2010. She said that he asked about the amount of land required for a full size horse as compared to a miniature horse. She said that a local equine Net informed her that a full size horse needs at least an acre. She said that in regard to miniature horses, the statute requires at least an acre of space not including the area occupied by a home.

Motion: Move to pass the Preview Ordinances to the May 4, 2010 meeting for adoption

Motion b Wade McCaleb

Second b Jill Norman

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

A. Preview of Corrected Ordinance No. 3068 amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1802 and Specific Use Permit 225, granting a CH zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

B. An ordinance amending Chapter 5, Article I, Section 5-11 of the Broken Arrow Code pertaining to Restriction on location of stables, kennels, coops, etc.: repealing all ordinances to the contrary: and declaring an emergency.

C. An Ordinance amending 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

13. Ordinances

Section Minutes: Ms. Wilkening presented the Ordinances for adoption in accordance with the information contained in the Fact Sheets provided in the agenda packet.

Motion: Move to adopt Ordinance Nos. 3105, 3107 and 3109

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

Motion: Move to approve the Emergency Clause for Ordinance No. 3105

Motion b Wade McCaleb

Second b Jill Norman

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

Motion: Move to approve the Emergency Clause for Ordinance No. 3107

Motion b Wade McCaleb

Second b Jill Norman

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

Motion: Move to approve the Emergency Clause for Ordinance No. 3109

Motion b Wade McCaleb

Second b Jill Norman

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

A. Ordinance No. 3105 An ordinance amending Article 3. Section 3.2. as of the Land Subdivision Code of the City of Broken Arrow. Oklahoma. pertaining to building structure setbacks from high pressure pipelines. repealing all ordinances or parts of ordinances in conflict herewith. and declaring an emergency.

B. Ordinance No. 3107 An ordinance amending the Zoning Ordinance of the City of Broken Arrow. Oklahoma. amending Ordinance No. 2931. Section 6.4.13.1. pertaining to Planned Unit Development Procedures repealing all ordinances or parts of ordinances in conflict herewith. and declaring an emergency.

C. Ordinance No. 3109 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

14. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb said that the "Trash Bash" event was a success and that Councilor Norman participated in her first "Trash Bash".

Broken Arrow City Council Page 5 of 7 April 20, 2010

Councilor McCaleb added that the Youth City Council held its last session for this school year and the youth councilors were now working on their report which would be on the second May Council agenda. Mayor Lester expressed appreciation for Councilor McCaleb's time and effort with the Youth City Council.

Vice Mayor Thurmond said he and Council welcomed Councilor Norman and looked forward to serving with her.

At 7:19 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.)

<b>Motion:</b>	<b>Move to recess into the Broken Arrow Municipal Authority Meeting</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

Mayor Lester reconvened the regular meeting at 7:20 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.

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

Mayor Lester reconvened the regular meeting at 7:28 p.m.

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

15. **Executive Session** for the purpose of confidential communications and possible action as necessary in open session between the City Council, the City Manager, and the City Attorney on matters concerning the award of court cost and possible resolution involving the Dalton Laidley, a minor child, by and through his father and next friend, Steven Laidley v. City of Broken Arrow, Tulsa County District Court Case Number: CJ-2007-07000; and The City of Broken Arrow, a Municipal Corporation v. Tag Outdoor Advertising, L.L.C., Supreme Court Case Number 106,260, both under 25 O.S. § 307(B)(4); discussing and possible authorization in open session the purchase and appraise real property located in the area of the Creek Turnpike and Elm Place, under 25 O.S. §307(B)(3); and an update on the status of negotiations with the FOP, under 25 O.S. § 307(B)(2). 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 7:36 p.m. and the room was opened for those in attendance.

<b>Motion:</b>	<b>Move to authorize the City Attorney to accept the sum of \$1,500.00 as payment in full of the costs awarded in the Laidley, et al. v. the City of Broken Arrow</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to deny the Defendant's request to relocate the billboards addressed in the City of Broken Arrow v. Tag Outdoor Advertising</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester
<b>Nays:</b>	None



Councilor McCaleb added that the Youth Cite Council held its last session for this school year and the youth councilors were now working on their report which would be on the second Max- Council agenda. Mayor Lester expressed appreciation for Councilor McCaleb"s time and effort with the Youth City Council.

Vice Mayor Thurmond said lie and Council welcomed Councilor Norman and looked forward to serving with her. At 7:19 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 Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

Mayor Lester reconvened the regular meeting at 7:20 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 Richard Carter

Second b Wade McCaleb

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

Mayor Lester reconvened the regular meeting at 7:28 p.m.

Motion: Move to enter into Executive Session

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

15. Executive Session for the purpose of confidential communications and possible action as necessary in open session between the City Council, the City Manager, and the City Attorney on matters concerning the award of court cost and possible resolution involving the Dalton Laidley, a minor child, by and through his father and next friend, Steven Laidley N. City of Broken Arrow, Tulsa County District Court Case Number: CJ-2007-07000; and The City of Broken Arrow, a Municipal Corporation N. Tag Outdoor Advertising, L.L.C., Supreme Court Case Number 106.260, both under 25 O.S. 307(B)(4); discussing and possible authorization in open session the purchase and appraise real property located in the area of the Creek Turnpike and Elm Place, under 25 O.S. 07(B)('): and an update on the status of negotiations with the FOP, under 25 O.S. 307(B)(2). 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 Note.

Section Minutes: Mayor Lester reconvened the regular session of the City Council meeting at 7:3 6 p.m. and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to accept the sum of \$1,500.00 as payment in full of the costs awarded in the Laidley, et al. v. the City of Broken Arrow

Motion b Craig Thurmond

Second b Wade McCaleb

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

Motion: Move to deny the Defendant's request to relocate the billboards addressed in the City of Broken Arrow v. Tag Outdoor Advertising

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman. Wade McCaleb. Richard Carter. Craig Thurmond and Mike Lester

Nays: None

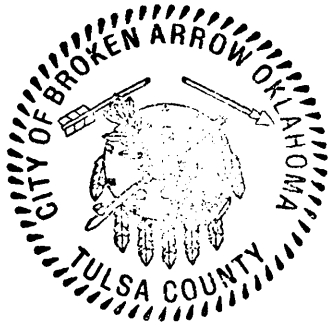
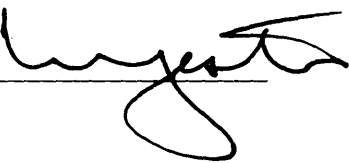
Broken \rro\1 Cit\ Council Page 6 ol'7 April 20. 20 IO

16. **Adjournment**

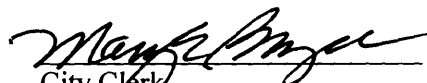
The meeting adjourned at approximately 7:40 p.m.

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

\_\_\_\_\_  
Mayor



Attest:  
\_\_\_\_\_  
City Clerk



## 16. Adjournment

The meeting adjourned at approximately 7:40 p.m.

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

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Attest:

Broken Arrow City Council Page 7 of 7 April 20, 2010