

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

**September 21, 2010**

**6:30 PM**

**1. Call to Order**

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

**Invocation**

**Section Minutes:** There was no one to deliver the invocation.

**3. Roll Call**

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

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

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

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Lester asked if there were any items to be removed from the Consent Agenda. Items 5E and 5O were removed. Mayor Lester then asked for a motion.

<b>Motion:</b>	<b>Move to approve the Consent Agenda except items 5E and 5O</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- A. Approval of the regular meeting minutes of September 7, 2010
- B. Acceptance of minutes of Planning Commission meeting held August 26, 2010
- C. Approval of and authority to execute an Assignment of Contract No. 50405 to the Broken Arrow Municipal Authority (BAMA) to pay for the design of the Adams Creek Northwest Sanitary Sewer Project
- D. Approval of Resolution No. 671 requesting Transportation Enhancement Funds for Phase 4 of Liberty Parkway Trail to extend to Events Park
- E. Approval of Unrepresented Joint Petition Settlement Offer on Jeffery Johnson, Street Department Employee
- F. Ratification of the Workers Compensation Joint Petition Settlement Agreement between the City of Broken Arrow and Stephen B. Smith, former Police Department employee
- G. Approval of and authorization to execute a contract for professional services with Family & Children's Services for Fiscal Year 2010-2011.
- H. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Amateur Basketball Association (BAABA), for use of the Central Park Community Center gymnasiums and the Nienhuis Park Community Center gymnasiums for a youth basketball program, from the date of execution through March 31, 2011
- I. Approval of Work Order Number W035 to Contract ST1106, Portland Cement Concrete Street Repairs
- J. Approval of bids received and award of the most advantageous bid for the purchase of a 12 foot commercial rotary mower for the Parks Department
- K. Approval of bids received and award of the most advantageous bid to purchase and replace three HVAC units
- L. Approval of Request for Dismissal of BACP 65, PUD 170 and BAZ 1718, Southfork Plaza Shopping Center, 35.67 acres, 4 lots, A-1 and R-1 to C-2 and PUD 170, southeast corner of Elm Place (161st East Avenue) and Florence Street (111th Street)
- M. Approval of BAZ 1852, Meier, 3.37 acres, AR-1 to RS-1, south of Florence Street (111th Street), one-eighth mile west of 23rd Street/County Line Road (193rd East Avenue)

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Invocation

Section Minutes: There was no one to deliver the invocation.

3. Roll Call

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Jill No~a~ wade M~cai. McCaleb Richard Carter, Craig Thurmond, Mike Lester

Present:

Jill Norman,,

Absent: Absent: Wade Richard Carter, Crai Mike

None

Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. Items 5E and 50 were removed. Mayor Lester then asked for a motion.

Motion: Move to approve the Consent Agenda except items 5E and 50

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

A. Approval of the regular meeting minutes of September 7, 2010

B. Acceptance of minutes of Planning Commission meeting held August 26, 2010

C. Approval of and authority to execute an Assignment of Contract No. 50405 to the Broken Arrow Municipal Authority (BAMA) to pay for the design of the Adams Creek Northwest Sanitary Sewer Project

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F. Ratification of the Workers Compensation Joint Petition Settlement Agreement between the City of Broken Arrow and Stephen B. Smith, former Police Department employee

G. Approval of and authorization to execute a contract for professional services with Family & Children's Services for Fiscal Year 2010-2011.

H. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Amateur Basketball Association (BAABA), for use of the Central Park Community Center gymnasiums and the Nienhuis Park Community Center gymnasiums for a youth basketball program, from the date of execution through March 31, 2011

I. Approval of Work Order Number W035 to Contract STI 106, Portland Cement Concrete Street Repairs

J. Approval of bids received and award of the most advantageous bid for the purchase of a 12 foot commercial rotary mower for the Parks Department

K. Approval of bids received and award of the most advantageous bid to purchase and replace three HVAC units

L. Approval of Request for Dismissal of BACP 65, PUD 170 and BAZ 1718, Southfork Plaza Shopping Center, 35.67 acres, 4 lots, A-1 and R-1 to C-2 and PUD 170, southeast corner of Elm Place 161st East Avenue) and Florence Street 111th Street)

M. Approval of BAZ 1852, Meier, 3.37 acres, AR-1 to RS-1, south of Florence Street 111th Street), one-eighth mile west of 23rd Street/County Line Road 193rd East Avenue)

Broken Arrow City Council Page 1 of 6 September 21, 2010

- N. Approval of PT10-101, Conditional final plat, Korean Church, 3.28 acres, 1 lot, R-1 (ON-BAZ 1843), southeast corner of Olive Avenue (129th East Avenue) and 68th Street South
- O. Approval of PUD 206, Tucson Village, 80.32 acres, BAZ 1851, A-1 to RS-3, CN, and FD, southwest corner of 23rd Street (County Line Road/193rd East Avenue) and Tucson Street (121st Street)
- P. Acceptance of a Deed of Dedication and Warranty Deed for a parcel of land being transferred to the City of Broken Arrow from Deutsche Bank National Trust Company in its capacity as indenture trustee for the note holders of Aames Mortgage Investment Trust 2005-2 located at Lot 14, less east 20 feet of South 165 thereof, and the west 20 feet of North 165 feet of Lot 14, of Resurvey Plat of Arrow Wood Estates 2, a subdivision of part of Lot 2 and Sec. 1/4 of NW/4 of Section 31, Township 18 North, Range 15 of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the recorded plat thereof. (Also known as 19876 East 114th Street South) and authorization to pay for the demolition of the costs of demolition and abatement
- Q. Approval of the Claims List

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

- 5E. Approval of Unrepresented Joint Petition Settlement Offer on Jeffery Johnson, Street Department Employee

**Item Minutes:** Mayor Lester asked for a motion to table item 5E indefinitely.

<b>Motion:</b>	<b>Move to table item 5E indefinitely</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- 5O. Approval of PUD 206, Tucson Village, 80.32 acres, BAZ 1851, A-1 to RS-3, CN, and FD, southwest corner of 23rd Street (County Line Road/193rd East Avenue) and Tucson Street (121st Street)

**Item Minutes:** Mayor Lester introduced this item said there were some people who wished to speak in opposition to this item. He asked Dwayne Wilkerson, representing the applicant, to give a brief overview. Mr. Wilkerson said that he works for HRAOK Inc., a Broken Arrow company of civil engineers and planners. He explained that this project establishes the infrastructure for a very typical development in this part of Broken Arrow. He said that in addition to a commercial area, it included a residential development with smaller frontage than allowed by ordinance, partly due to a large floodplain area on the north and west sides of this property. In order to accommodate the expected market, Mr. Wilkerson said they are asking for this Plan Unit Development to be approved, both for the single family residences and for the commercial property. He said that the advantages of going through a Plan Unit Development for this project are that some landscaping would be identified on the arterial streets as well as some screening between the commercial piece and the residential area. Mr. Wilkerson added that they don't have immediate plans to develop the site, but wanted to establish the infrastructure so that when the market comes around they'll be ready to start the project.

Mayor Lester asked if this site was the only partial in that section that was within the city limits. Mr. Wilkerson said he didn't know. Mayor Lester then asked if the housing would be on both sides of Broken Arrow Creek, and Mr. Wilkerson answered that it would only be on the east side of Broken Arrow Creek, adding that they would like to keep the area to the west of the creek as a natural area in order to buffer some larger residences back to the west and to help manage the floodplain. He added that this property will be one of the first developments seen as one exits the Creek Turnpike to the south at this location, so they are interested in making it look nice and be a quality development.

Councilor McCaleb asked where the requested drive-through restaurant would be located, and Mr. Wilkerson said they don't have any plans for one now, but wanted to have the ability to have one in the commercial area at the corner of the property. Councilor McCaleb added that there have been problems in the past with drive-through restaurants close to residential areas. Mr. Wilkerson responded that they don't have plans for a specific site, but as part of the first phase of the project there will be a masonry wall constructed between the proposed residential and commercial areas, as well as a 15-foot wide landscape strip to help mitigate the conflict between the two areas.

Mayor Lester then introduced Gary Stevens, who lives near the proposed development and stated his opposition to this project. Mr. Stevens cited concerns about the potential for crime and other undesirable elements to be introduced to this otherwise crime-free area, and specifically objected that at the last meeting no one could tell him what the potential level of the residential housing would be or describe "entry-level housing" to his satisfaction.

Next, Mayor Lester introduced Brenda Nickels, who had submitted a written statement for the record to the City Clerk. She expressed her and her husband's concerns in connection to this development to the extent that it will increase the flood risk to their property and to the surrounding properties. She explained that her property is located west of the proposed development, with Broken Arrow Creek adjoining her property on the north and west. Noting that the creek has flooded in past years, she stated that water runoff from the proposed development will significantly increase the flow of water into the creek, which in turn could cause additional flooding on her property. She requested that the Council require the developer to incorporate strict flood control measures in the comprehensive plan as a condition to final approval. Mayor Lester responded that all those things are a requirement in the City of Broken Arrow.

N. Approval of PT 10-101, Conditional final plat, Korean Church, 3.28 acres, 1 lot, R-1 ON-BAZ 1843), southeast corner of Olive Avenue 129th East Avenue) and 68th Street South

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O. Approval of PUD 206, Tucson Village, 80.32 acres, BAZ 1851, A-1 to RS-3, CN, and FD, southwest corner of 23rd Street County Line Road/193rd East Avenue) and Tucson Street 121st Street)

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Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5E. Approval of Unrepresented Joint Petition Settlement Offer on Jeffery Johnson, Street Department Employee  
Item Minutes: Mayor Lester asked for a motion to table item 5E indefinitely.

Motion: Move to table item 5E indefinitely

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

50. Approval of PUD 206, Tucson Village, 80.32 acres, BAZ 1851, A-1 to RS-3, CN, and FD, southwest corner of 23rd Street County Line Road/193rd East Avenue) and Tucson Street 121st Street)

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Councilor McCaleb asked where the requested drive-through restaurant would be located, and Mr. Wilkerson said they don't have any plans for one now, but wanted to have the ability to have one in the commercial area at the corner of the property. Councilor McCaleb added that there have been problems in the past with drive-through restaurants close to residential areas. Mr. Wilkerson responded that they don't have plans for a specific site, but as part of the first phase of the project there will be a masonry wall constructed between the proposed residential and commercial areas, as well as a 15-foot wide landscape strip to help mitigate the conflict between the two areas.

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Next, Mayor Lester introduced Brenda Nickels, who had submitted a written statement for the record to the City Clerk. She expressed her and her husband's concerns in connection to this development to the extent that it will increase the flood risk to their property and to the surrounding properties. She explained that her property is located west of the proposed development, with Broken Arrow Creek adjoining her property on the north and west. Noting that the creek has flooded in past years, she stated that water runoff from the proposed development will significantly increase the flow of water into the creek, which in turn could cause additional flooding on her property. She requested that the Council require the developer to incorporate strict flood control measures in the comprehensive plan as a condition to final approval. Mayor Lester responded that all those things are a requirement in the City of Broken Arrow.

Broken Arrow City Council Page 2 of 6 September 21, 2010

Mayor Lester then introduced Carolyn Kraft, who stated that she owns the property just south of the proposed development. She asked if the fence line that's been there for 50 years would stay and if the PSO easement just north of her fence line would remain as a buffer between her horses and this addition. Due to the fact that her property lies outside city limits, she cited concerns that any illegal activity occurring on her property as a result of its proximity to the new development would be outside the jurisdiction of the City's police force. Ms. Kraft also expressed praise for the new nearby Brighton Village development, and indicated that she would be pleased if this new development is similar to Brighton Village. City Manager Dave Wooden then informed Ms. Kraft that the developer that developed Brighton Village was also the developer for this proposed development. Ms. Kraft asked if the houses would be as nice and Mr. Wooden responded that the developer hadn't yet set the price range for the houses.

Vice-Mayor Thurmond left the room prior to the remaining discussion and the vote.

Councilor Carter commented that the concerns expressed could be addressed very well in the development process and pointed out that the City has the same interests, as well as meticulous flood control requirements. He said he expected that the neighborhood would be nice and well-kept.

Councilor McCaleb asked City Manager Dave Wooden for confirmation that the only changes to the PUD were regarding side yards and square footage. Mr. Wooden confirmed that those were the only changes and commented that he expects this subdivision to be very similar to the one north of Albany and west of 23<sup>rd</sup>.

<b>Motion:</b>	<b>Move to approve item 50</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
<b>Nays:</b>	None
<b>Recuse:</b>	Craig Thurmond

Councilor Thurmond returned to the room following the vote.

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

- A. A Public Hearing and Presentation of the Proposed Broken Arrow FlightSafety and Downtown Economic Development Project Plan for the Purpose of Providing an Opportunity for Questions and Answers Regarding the Proposed Project Plan; and Consideration, Approval, and Announcement of October 5, 2010, as the Date of the Second Public Hearing and Presentation of the Proposed Broken Arrow FlightSafety and Downtown Economic Development Project Plan, at which Any Interested Persons Shall Have the Opportunity to Be Heard in Support of or Opposition to the Proposed Project Plan Prior to Any City Council Action with Regard to Adoption of the Proposed Project Plan.

**Item Minutes:** City Attorney Beth Anne Wilkening introduced Leslie Batchelor of The Center for Economic Development Law, who has assisted the city in the development of this project plan. Ms. Batchelor stated that this public hearing is the first of two required under the Local Development Act, one of the few mechanisms by which a city can generate local economic development under Oklahoma law. She described a tax increment financing district as a way for a city to identify an area where it will make public investments intended to stimulate private investments. Although there are both property tax and sales tax components, Ms. Batchelor emphasized that there are no new taxes, increased taxes, or increased tax rates in a tax increment district. Instead, she said as new private development is generated as a result of the public investments, the incremental property and sales tax revenues produced can be used by the city to pay their public development costs. She noted that a tax increment district is temporary; when the specified project budget is recouped the tax increment district goes away and the ensuing tax revenues are then used in the same way as other tax revenues. Ms. Batchelor pointed out that initially the City Council is giving authorization in this project plan for the issuance of bonds by the Economic Development Authority primarily for the benefit of Flight Safety; future consideration may be given to an additional bond issuance if deemed appropriate by the Council and the Economic Development Authority.

City Manager Dave Wooden added that three million dollars for downtown area development would be included in the first phase of this project.

Mayor Mike Lester declared the public hearing open three times; he then declared the public hearing closed.

Councilor McCaleb commented that the Review Committee voted 7-0 in favor of this plan with one abstention.

<b>Motion:</b>	<b>Move to set October 5, 2010 as a second Public Hearing and Presentation of the Proposed Broken Arrow Flight Safety and Downtown Economic Development Plan</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- B. Approval of and authorization to execute a Proclamation proclaiming September 23, 2010 as "Water Conservation Day" in Broken Arrow

**Item Minutes:** City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that the City is very interested in the green aspects of water conservation and recommends

Mayor Lester then introduced Carolyn Kraft, who stated that she owns the property just south of the proposed development. She asked if the fence line that's been there for 50 years would stay and if the PSO easement just north of her fence line would remain as a buffer between her horses and this addition. Due to the fact that her property lies outside city limits, she cited concerns that any illegal activity occurring on her property as a result of its proximity to the new development would be outside the jurisdiction of the City's police force. Ms. Kraft also expressed praise for the new nearby Brighton Village development, and indicated that she would be pleased if this new development is similar to Brighton Village. City Manager Dave Wooden then informed Ms. Kraft that the developer that developed Brighton Village was also the developer for this proposed development. Ms. Kraft asked if the houses would be as nice and Mr. Wooden responded that the developer hadn't yet set the price range for the houses.

Vice-Mayor Thurmond left the room prior to the remaining discussion and the vote.

Councilor Carter commented that the concerns expressed could be addressed very well in the development process and pointed out that the City has the same interests, as well as meticulous flood control requirements. He said he expected that the neighborhood would be nice and well-kept.

Councilor McCaleb asked City Manager Dave Wooden for confirmation that the only changes to the PUD were regarding side yards and square footage. Mr. Wooden confirmed that those were the only changes and commented that he expects this subdivision to be very similar to the one north of Albany and west of 23rd

Motion: Move to approve item 50

Motion b Richard Carter

Second b Wade McCaleb

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Mike Lester

Nays: None

Recuse: Craig Thurmond

Councilor Thurmond returned to the room following the vote.

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

A. A Public Hearing and Presentation of the Proposed Broken Arrow FlightSafety and Downtown Economic Development Project Plan for the Purpose of Providing an Opportunity for Questions and Answers Regarding the Proposed Project Plan; and Consideration, Approval, and Announcement of October 5, 2010, as the Date of the Second Public Hearing and Presentation of the Proposed Broken Arrow FlightSafety and Downtown Economic Development Project Plan, at which Any Interested Persons Shall Have the Opportunity to Be Heard in Support of or Opposition to the Proposed Project Plan Prior to Any City Council Action with Regard to Adoption of the Proposed Project Plan.

Item Minutes: City Attorney Beth Anne Wilkening introduced Leslie Batchelor of The Center for Economic Development Law, who has assisted the city in the development of this project plan. Ms. Batchelor stated that this public hearing is the first of two required under the Local Development Act, one of the few mechanisms by which a city can generate local economic development under Oklahoma law. She described a tax increment financing district as a way for a city to identify an area where it will make public investments intended to stimulate private investments. Although there are both property tax and sales tax components, Ms. Batchelor emphasized that there are no new taxes, increased taxes, or increased tax rates in a tax increment district. Instead, she said as new private development is generated as a result of the public investments, the incremental property and sales tax revenues produced can be used by the city to pay their public development costs. She noted that a tax increment district is temporary; when the specified project budget is recouped the tax increment district goes away and the ensuing tax revenues are then used in the same way as other tax revenues. Ms. Batchelor pointed out that initially the City Council is giving authorization in this project plan for the issuance of bonds by the Economic Development Authority primarily for the benefit of Flight Safety; future consideration may be given to an additional bond issuance if deemed appropriate by the Council and the Economic Development Authority.

City Manager Dave Wooden added that three million dollars for downtown area development would be included in the first phase of this project.



Mayor Mike Lester declared the public hearing open three times; he then declared the public hearing closed. Councilor McCaleb commented that the Review Committee voted 7-0 in favor of this plan with one abstention. Motion: Move to set October 5, 2010 as a second Public Hearing and Presentation of the Proposed Broken Arrow Flight Safety and Downtown Economic Development Plan

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

B. Approval of and authorization to execute a Proclamation proclaiming September 23, 2010 as Water Conservation Day" in Broken Arrow

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that the City is very interested in the green aspects of water conservation and recommends Broken Arrow City Council Page 3 of 6 September 21, 2010

approval of this proclamation. He stated that Vice Mayor Thurmond has agreed to present the proclamation at the meeting on September 23<sup>rd</sup>.

<b>Motion:</b>	<b>Move to approve the Proclamation and authorize its execution</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

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

**Section Minutes:** No one signed up to address the Council on general topics related to city business or services.

**9. General Council Business**

A. Approval of and authorization for the Mayor to execute Resolution 669 of the Broken Arrow City Council approving a certain Economic Development Agreement by and between the Broken Arrow Economic Development Authority and the Oklahoma Turnpike Authority providing for the construction of the Aspen Interchange of the Creek Turnpike; Assigning a certain Architect/Engineer Contract with Cobb Engineering Company to the Broken Arrow Economic Development Authority; Transferring certain monies to the Broken Arrow Economic Development Authority and Authorizing the expenditure thereof; designating representatives of the City of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said agreements; and containing other provisions relating thereto

**Item Minutes:** City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

<b>Motion:</b>	<b>Move to approve Resolution 669 and authorize its execution</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

B. A Resolution of the Broken Arrow City Council approving and ratifying a certain Economic Development Agreement by and between the Broken Arrow Economic Authority and Two T's Broken Arrow, L.L.C. providing for improvements to North 38th Street and Reserve Area "A" as depicted on the plat of Northeast Crossroad; Assigning a certain construction contract with Becco Contractors, Inc. to the Broken Arrow Economic Development Authority; Ratifying prior payments, transferring payments, transferring certain monies to the Broken Arrow Economic Development Authority and authorizing the expenditure thereof; Accepting a stormwater drainage and utility easement from Two T's Broken Arrow, L.L.C.; And containing other provisions relating thereto

**Item Minutes:** City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

<b>Motion:</b>	<b>Move to approve Resolution 673 and authorize its execution</b>
<b>Motion by:</b>	Jill Norman
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

C. Consideration of and possible approval of a Legal Notice of Public Hearing to establish a time for holding a hearing on any complaints or objections that may be made concerning apportionment of the costs of construction for improvements to the stormwater systems in SteepleChase Farms and Amended Glen Eagles Subdivisions and direction for publication and notice in accordance with state statute

**Item Minutes:** City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

<b>Motion:</b>	<b>Move to approve the Legal Notice of Public Hearing and direct publication of notice in accordance with state law</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

**10. City Manager's Report**

**Section Minutes:** There was no City Manager's report.

approval of this proclamation. He stated that Vice Mayor Thurmond has agreed to present the proclamation at the meeting on September 23rd

8.

9.

Motion: Move to approve the Proclamation and authorize its execution

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

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

Section Minutes: No one signed up to address the Council on general topics related to city business or services.

General Council Business

A. Approval of and authorization for the Mayor to execute Resolution 669 of the Broken Arrow City Cou,...,l approving a certain Economic Development Agreement by and between the Broken Arrow Economic Development Authority and the Oklahoma Turnpike Authority providing for the construction of the Aspen Interchange of the Creek Turnpike; Assigning a certain Architect/Engineer Contract with Cobb Engineering Company to the Broken Arrow Economic Development Authority; Transferring certain monies to the Broken Arrow Economic Development Authority and Authorizing the expenditure thereof; designating representatives of the City of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said agreements; and containing other provisions relating thereto

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve Resolution 669 and authorize its execution

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

B. A Resolution of the Broken Arrow City Council approving and ratifying a certain Economic Development Agreement by and between the Broken Arrow Economic Authority and Two T's Broken Arrow, L.L.C. provicL for improvements to North 38th Street and Reserve Area A" as depicted on the plat of Northeast Crossro; Assigning a certain construction contract with Becco Contractors, Inc. to the Broken Arrow Econo Development Authority; Ratifying prior payments, transferring payments, transferring certain monies to the Broken Arrow Economic Development Authority and authorizing the expenditure thereof; Accepting a stormwater drainage and utility easement from Two T's Broken Arrow, L.L.C.; And containing other provisions relating thereto

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve Resolution 673 and authorize its execution

Motion b Jill Norman

Second b Wade McCaleb

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

Nays: None

C. Consideration of and possible approval of a Legal Notice of Public Hearing to establish a time for holding a hearing on any complaints or objections that may be made concerning apportionment of the costs of construction for improvements to the stormwater systems in SteepleChase Farms and Amended Glen Eagles Subdivisions and direction for publication and notice in accordance with state statute

Item Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet

provided in the agenda packet.

Motion: Move to approve the Legal Notice of Public Hearing and direct publication of notice in accordance with state law

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

10. City Manager's Report

Section Minutes: There was no City Manager's report.

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**11. Preview Ordinances**

- A. An ordinance approving and adopting the Broken Arrow FlightSafety and Downtown Economic Development Project Plan; Designating and adopting project area and increment district boundaries; Establishing a date for the creation of increment district number one, City of Broken Arrow; adopting certain findings; Authorizing the City of Broken Arrow to carry out and administer the project plan; Establishing a tax apportionment fund; Declaring apportioned funds to be special funds of the City of Broken Arrow or an alternative authorized entity; Authorizing the use of ad valorem and sales tax increment revenues for the payment or financing of certain project costs; Authorizing the use of other resources to pay for or finance project costs; Authorizing the Broken Arrow Economic Development Authority or an alternative authorized entity to issue bonds or other indebtedness and carry out certain provisions of the Project Plan; Ratifying and confirming the actions, recommendations and findings of the Review Committee and the Planning Commission; Directing continuing apportionment; Providing for severability; Declaring an emergency

**Item Minutes:** City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that this is a great project and likely the type of project the state legislature contemplated when they wrote the statute.

<b>Motion:</b>	<b>Move to pass Preview Ordinance 11A to next Council meeting and set for adoption</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- B. An ordinance changing the name of South University Avenue to South University Parkway on the Northeastern State University Broken Arrow Campus, an addition to the City of Broken Arrow
- C. An ordinance changing the name of West Albany Place to West Albany Drive in Stone Ridge Towne Center, an addition to the City of Broken Arrow

**Item Minutes:** The Preview Ordinances 11B and 11C were taken together. City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Councilor McCaleb questioned Mr. Wooden about the stated cost of \$15 for Preview Ordinance 11C; Mr. Wooden responded that the \$15 was only the cost of changing the plat. Mr. Wooden said the cost of building the road would be borne by the developer.

Councilor Norman asked who requested the name change in Preview Ordinance 11C; Development Services Director Michael Skates responded that the city requested the name change, but the developers were in agreement with the change.

<b>Motion:</b>	<b>Move to pass Preview Ordinances 11B and 11C to next Council meeting and set for adoption</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

**12. Ordinances**

- A. Adopt Ordinance No. 3124, an ordinance amending Chapter 23, Article II, Section 23-88, which pertains to Careless driving; failure to devote full time and attention; and repealing all ordinances or parts of ordinances in conflict herewith and declaring an emergency

**Section Minutes:** City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that the only revision to the ordinance was the addition of a subsection C, stating that no law enforcement officer can issue a citation for inattentive driving unless they can articulate the reasons why; Ms. Wilkening also stated that she fixed a typographical error.

<b>Motion:</b>	<b>Move to adopt Ordinance 3124</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

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

**Section Minutes:** Vice-Mayor Thurmond commented that he had just attended a Community Economic Development Steering Committee Meeting in Frisco, Texas. He described it as a very interesting community that has done some impressive things, a place that shows you what you can do if you have unlimited funds. He mentioned that their fire stations have home theaters in them, and that they've done some interesting things with a program called "Safety Town" which teaches kids all different types of safety; he added that the city is funded by 16 million square feet of retail space.

## 11. Preview Ordinances

A. An ordinance approving and adopting the Broken Arrow FlightSafety and Downtown Economic Development Project Plan; Designating and adopting project area and increment district boundaries; Establishing a date for the creation of increment district number one, City of Broken Arrow; adopting certain findings; Authorizing the City of Broken Arrow to carry out and administer the project plan; Establishing a tax apportionment fund; Declaring apportioned funds to be special funds of the City of Broken Arrow or an alternative authorized entity; Authorizing the use of ad valorem and sales tax increment revenues for the payment or financing of certain project costs; Authorizing the use of other resources to pay for or finance project costs; Authorizing the Broken Arrow Economic Development Authority or an alternative authorized entity to issue bonds or other indebtedness and carry out certain provisions of the Project Plan; Ratifying and confirming the actions, recommendations and findings of the Review Committee and the Planning Commission; Directing continuing apportionment; Providing for severability; Declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that this is a great project and likely the type of project the state legislature contemplated when they wrote the statute.

Motion: Move to pass Preview Ordinance 11A to next Council meeting and set for adoption

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

B. An ordinance changing the name of South University Avenue to South University Parkway on the Northeastern State University Broken Arrow Campus, an addition to the City of Broken Arrow

C. An ordinance changing the name of West Albany Place to West Albany Drive in Stone Ridge Towne Center, an addition to the City of Broken Arrow

Item Minutes: The Preview Ordinances 11 B and 11 C were taken together. City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Councilor McCaleb questioned Mr. Wooden about the stated cost of \$15 for Preview Ordinance 11C; Mr. Wooden responded that the \$15 was only the cost of changing the plat. Mr. Wooden said the cost of building the road would be borne by the developer.

Councilor Norman asked who requested the name change in Preview Ordinance 11 C; Development Services Director Michael Skates responded that the city requested the name change, but the developers were in agreement with the change.

Motion: Move to pass Preview Ordinances 11B and 11C to next Council meeting and set for adoption

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

## 12. Ordinances

A. Adopt Ordinance No. 3124, an ordinance amending Chapter 23, Article II, Section 23-88, which pertains to Careless driving; failure to devote full time and attention; and repealing all ordinances or parts of ordinances in conflict herewith and declaring an emergency

Section Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that the only revision to the ordinance was the addition of a subsection C, stating that no law enforcement officer can issue a citation for inattentive driving unless they can articulate the reasons why; Ms. Wilkening also stated that she fixed a typographical error.

Motion: Move to adopt Ordinance 3124

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

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

Section Minutes: Vice-Mayor Thurmond commented that he had just attended a Community Economic Development Steering Committee Meeting in Frisco, Texas. He described it as a very interesting community that has done some impressive things, a place that shows you what you can do if you have unlimited funds. He mentioned that their fire stations have home theaters in them, and that they've done some interesting things with a program called "Safety Town" which teaches kids all different types of safety; he added that the city is funded by 16 million square feet of retail space.

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Mr. Thurmond said the meeting included discussions on such topics as a pending federal policy which applies to aging commercial quarters, and plans to lobby the federal government to facilitate bank lending to businesses. He said he would distribute the minutes of the meeting to the Council when they become available.

Councilor McCaleb said the Adopt-a-Corner program held its first training session, training and equipping volunteers who adopted over 15 corners. He mentioned that another training meeting has been scheduled for October 2 at 9:30 at City Hall.

At approximately 7:12 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

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

Mayor Lester reconvened the regular Council meeting at approximately 7:16 p.m.

Mayor Lester asked for a motion to take a short break in order to clear the room prior to entering into Executive Session.

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

Mayor Lester reconvened the regular session of the City Council meeting at approximately 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>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing negotiations concerning the IAFF, FOP and CWA employee groups under 25 O.S. § 307(B)(2) and taking appropriate action in open session; and discussing an offer of settlement and taking appropriate action in open session in *Smokey Catron v. City of Broken Arrow*, Workers' Compensation Court Case Numbers 2008-03936-R and 2009-02640-F, under 25 O.S. §307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation 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

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:40 p.m., and the room was opened for those in attendance.

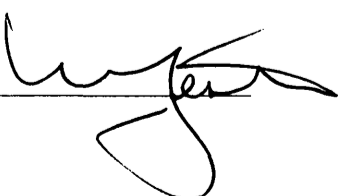
<b>Motion:</b>	<b>Move to authorize the City Attorney to take the steps necessary to effectuate an agreed upon denial in the amount of \$50,000.00 in the Smokey Catron Workers' Compensation cases</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

15. **Adjournment**

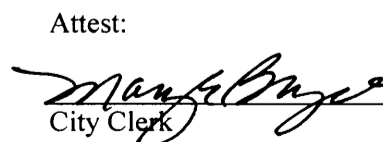
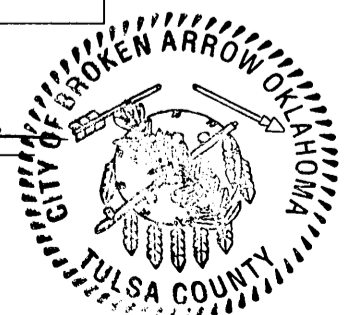
**Section Minutes:** The meeting adjourned at approximately 7:43 p.m.

<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, Mike Lester
<b>Nays:</b>	None

\_\_\_\_\_  
Mayor



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



Mr. Thurmond said the meeting included discussions on such topics as a pending federal policy which applies to aging commercial quarters, and plans to lobby the federal government to facilitate bank lending to businesses. He said he would distribute the minutes of the meeting to the Council when they become available.

Councilor McCaleb said the Adopt-a-Corner program held its first training session, training and equipping volunteers who adopted over 15 corners. He mentioned that another training meeting has been scheduled for October 2 at 9:30 at City Hall.

At approximately 7:12 p.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 followed by the Broken Arrow Economic Development Authority meeting.

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

Mayor Lester reconvened the regular Council meeting at approximately 7:16 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 recess prior to entering into Executive Session

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:28 p.m.

Motion: Move to enter into Executive Session

Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing negotiations concerning the IAFF, FOP and CWA employee groups under 3 O.S. 307(B)(2) and taking appropriate action in open session; and discussing an offer of settlement and taking appropriate action in open session in *Smokey Catron v. City of Broken Arrow*, Workers' Compensation Court Case Numbers 2008-03936-R and 2009-02640-F, under 25 O.S. 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation 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

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:40 p.m., and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to take the steps necessary to effectuate an agreed upon denial in the amount of \$50,000.00 in the *Smokey Catron Workers' Compensation* cases

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:43 p.m.

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Attest:

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