

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
October 19, 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: The invocation was delivered by Glen Davis, Chaplain of the Broken Arrow Police Department and Pastor of The First Christian Church

3. Roll Call

Present:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Absent:	None

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

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

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

- A. Approval of the regular meeting minutes of October 5, 2010
- B. Acceptance of the minutes of the Planning Commission meeting held September 23, 2010
- C. Approval of and authorization to execute Budget Amendment Number 6 for Fiscal Year 2010-2011
- D. Approval of the all risk property and commercial liability insurance renewal for the city owned Bass Pro Building
- E. Approval and authorization to execute the City of Broken Arrow Golf Course Professional Management Services Agreement
- F. Approval of and authorization to execute an Architect-Engineer contract for the site adaptation of the standard 3-bay fire station design for the relocation of Fire Station No. 2 to the west side of Aspen Avenue north of Liberty Parkway (Creek Turnpike)
- G. Approval of and authorization to execute Work Order Number W037 to Contract ST0811, Portland Concrete Street Repairs
- H. Approval and authorization to enter into a contract for the purchase of 34 Personal Protective Equipment coat & pants, 36 helmets, 56 hoods, 56 gloves, to include lettering, from Wayest Safety pursuant to a previously awarded bid
- I. Consideration and possible rejection of all bids received for the purchase of a new ambulance and authorization to solicit new bids
- J. Approval of bids received, award of the lowest responsible bid, and authorization to execute a Construction Contract for a Fire Training Tower located at the Public Safety Training Center
- K. Approval of bids received and award of the most advantageous bid for construction of a dehumidifier and sump pump at the Ammunition Storage Building, Public Safety Training Facility
- L. Approval of bids received and award of the most advantageous bid for the purchase of road salt
- M. Approval of bids received and award of the most advantageous bid for the purchase of three traffic signal video detection systems
- N. Approval of PUD 204, Jackson Mills Business Park, 126.88 acres, BAZ 1856, A-1 to R-2, CG, and IL, south and west of Highway 51 and north of Washington Street (91st Street)

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

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Section Minutes: The invocation was delivered by Glen Davis, Chaplain of the Broken Arrow Police Department and Pastor of The First Christian Church

3. Roll Call

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Present:

Jill Norman, Wade e McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Mike Lester

e

Absent: None

Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

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

Motion: Move to approve the Consent Agenda as presented

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

A. Approval of the regular meeting minutes of October 5, 2010

B. Acceptance of the minutes of the Planning Commission meeting held September 23, 2010

C. Approval of and authorization to execute Budget Amendment Number 6 for Fiscal Year 2010-2011

D. Approval of the all risk property and commercial liability insurance renewal for the city owned Bass Pro Building

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F. Approval of and authorization to execute an Architect-Engineer contract for the site adaptation of the standard 3-bay fire station design for the relocation of Fire Station No. 2 to the west side of Aspen Avenue north of Liberty Parkway Creek Turnpike)

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N. Approval of PUD 204, Jackson Mills Business Park, 126.88 acres, BAZ 1856, A-1 to R-2, CG, and IL, south and west of Highway 51 and north of Washington Street 91st Street)

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- O. Consideration and possible approval of a partial vacation of the plat of Arlington Court, a subdivision in the City of Broken Arrow, Tulsa County, located at the northeast corner of East 68th Street and North Olive Avenue.
- P. Acceptance of a Utility Easement and a Deed of Dedication located approximately one half mile west of 209th E. Ave on the north side of Omaha Street from James and Betty Overturf (S29 T19N R15E)(Project: Zoning/Annexation for Mobile Home)
- Q. Acceptance of Detention Easement located approximately one half mile south of Washington Street and one half mile west of Evans Road from Coach Port, LLC (S20 T18N R15E) (Project: Coach Port PT08-122)
- R. Approval of final acceptance for a public improvement at Blessings International
- S. Approval of final acceptance for public improvements at Shops at Lynn Lane
- T. Approval of final acceptance for public improvement at Shops at Lynn Lane, Switzer's Locker Room
- U. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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

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

- A. Approval of and authorization to execute a Proclamation recognizing Red Ribbon Week October 23-31, 2010 and a celebration on October 25, 2010 hosted by the Broken Arrow Public School District's Drug Free Youth student organization

Item Minutes: Human Resources Director and Acting City Manager Russell Gale introduced the Proclamation as one which urges citizens to participate in Red Ribbon Week by decorating their homes, businesses and cars with red ribbons in support of a drug free lifestyle. He added that Ms. Maria Nichols, a teacher at Broken Arrow High School, was present to receive the Proclamation. Mayor Lester then asked for a motion.

Motion:	Move to approve the Proclamation designating Red Ribbon Week October 23rd to 31st in the City of Broken Arrow
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester then presented the proclamation to Ms. Maria Nichols and several of her students who were in attendance. He expressed appreciation to Ms. Nichols and her students for their efforts.

- B. Approval of and authorization to execute a Proclamation declaring October 28, 2010 as "Veterans Job Fair and Business Opportunities Summit Day in Broken Arrow"

Item Minutes: Human Resources Director and Acting City Manager Russell Gale introduced the Proclamation as one sponsored by the Military Order of the Purple Heart to encourage support for employment and business opportunities for veterans. Mayor Lester then asked for a motion.

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

Mayor Lester then presented the proclamation to Mr. Robert Williams, the Local Veterans' Employment representative for Veteran Services – Oklahoma Employment Security Commission – Workforce Oklahoma, and thanked him for all he does to make that possible. Mr. Williams then asked Mayor Lester if he would present the Proclamation at the Veterans Job Fair, and Mayor Lester agreed to do so.

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

Section Minutes: Mayor Mike Lester recognized Mr. J.D. Lind and Ms. Linda Lind. Ms. Lind, a resident of Horse Shoe Acres, addressed the Council regarding problems with the sewer system installed in her neighborhood and at her residence, including the location of the tap and the fact that the water line does not loop. She asked that the City install the tap at the proper site, in line with the clean out.

Mr. J.D. Lind then addressed the Council. He provided the Council with copies of City documents specifying construction standards and subdivision codes, and detailed how the sewer installed at this location varied from those standards and codes. Mayor Lester stated that this was the first time this matter had been brought to the Council's attention, and said they would look into it and be back in touch with him.

O. Consideration and possible approval of a partial vacation of the plat of Arlington Court, a subdivision in the City of Broken Arrow, Tulsa County, located at the northeast corner of East 68th Street and North Olive Avenue.

P. Acceptance of a Utility Easement and a Deed of Dedication located approximately one half mile west of 209th E. Ave on the north side of Omaha Street from James and Betty Overturf S29 T19N R15E)(Project: Zoning/Annexation for Mobile Home)

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Acceptance of Detention Easement located approximately one half mile south of Washington Street and one half mile west of Evans Road from Coach Port, LLC S20 T18N R15E) Project: Coach Port PT08-122)

R. Approval of final acceptance for a public improvement at Blessings International

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T. Approval of final acceptance for public improvement at Shops at Lynn Lane, Switzer's Locker Room

U. Approval of the Claims List

Consideration of Items Removed from Consent Agenda

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

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

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Motion: Move to approve the Proclamation designating Red Ribbon Week October 23'd to 31st in the City of Broken Arrow

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Mayor Lester then presented the proclamation to Ms. Maria Nichols and several of her students who were in attendance. He expressed appreciation to Ms. Nichols and her students for their efforts.

B. Approval of and authorization to execute a Proclamation declaring October 28, 2010 as Veterans Job Fair and Business Opportunities Summit Day in Broken Arrow"

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Motion: Move to approve the Proclamation and authorize its execution

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

Mayor Lester then presented the proclamation to Mr. Robert Williams, the Local Veterans' Employment representative for Veteran Services Oklahoma Employment Security Commission Workforce Oklahoma, and thanked him for all he does to make that possible. Mr. Williams then asked Mayor Lester if he would present the Proclamation at the Veterans Job Fair, and Mayor Lester agreed to do so.

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October 19, 2010

City Attorney Beth Anne Wilkening identified this as an issue that she and Engineering Director Kenneth Schwab had been working on for quite some time, and suggested that it may be helpful for the Council to hear what Mr. Schwab has to say about this. Mr. Schwab then addressed the Council, confirming that a lot of what the Linds had to say was correct, although he couldn't speak to the Assessment District. Mr. Schwab said during a discussion with City Manager Dave Wooden about this matter, Mr. Wooden stated that because of the soils they had to use flooded sand as fill underneath the road. Although the construction standards referred to by Mr. Lind specify aggregate for backfill, Mr. Schwab pointed out that those are construction standards or policies that the City follows as tightly as possible, not ordinances, and the City has the flexibility to deviate from those standard as needed. Mr. Schwab then said that the subdivision codes Mr. Lind referred to are ordinances, and the location of Mr. Lind's tap is not compliant with the ordinance and is inaccessible. Mr. Schwab offered to summarize his findings and submit them to Mr. Wooden before this matter is brought back before the Council, and Mayor Lester agreed. Councilor McCaleb asked who installed this sewer system, and Mr. Schwab responded that the City installed some of it, but the majority was installed by contract, and he believes it was W N Couch, Inc.

9. General Council Business

- A. Consideration of and possible approval of a two percent (2%) stipend for all City personnel, except for members of the IAFF Local 2551, for Fiscal Year 2010-2011

Item Minutes: City Attorney Beth Anne Wilkening informed the Council that several years ago the City Manager, Assistant City Manager, and the Finance Director held a series of meetings to discuss their concerns regarding a potential economic downturn; as a result, a decision was made to implement a soft hiring freeze. She spoke of the discussion this generated among various bargaining units and employees due to the fact that the economy appeared to be moving along just fine. M. Wilkening added that a couple of years ago things did tighten significantly, but because City Management and the Council had taken an unpopular stance and upheld the soft hiring freeze, the City was able to maintain vacancies instead of laying people off. Ms. Wilkening said that traditionally the Council has been very conservative and good stewards of the tax payers' money, resulting in the current continued improvements such increased sales tax dollars as well as the possibility that the Emergency Reserve Fund balance will be met by December. She also said the City recently received notification that the Federal Emergency Management Agency (FEMA) would be reimbursing the City with some funds for the 2007 ice storm that they initially had rejected. Ms. Wilkening recognized Risk Manager Branon Dodd and his staff for their diligent pursuit of an appeal, pointing out that the City would not be receiving these funds were it not for their efforts. She specified that the expected funds from the Federal Emergency Management Agency and the corresponding funds from the state total about \$740,000. Stating that the Council has consistently recognized the outstanding efforts of City employees, Ms Wilkening said this item gives the Council an opportunity to reward employees for the good work they do on a daily basis. She pointed out that because of the difficult financial conditions the City hasn't given an across-the-board pay raise to its employees since fiscal year 2007. Ms. Wilkening further stated it's recommended this one-time payment not be utilized for raises, vacancies, or underfunded positions due to the fact that these uses result in recurring expenses. She said the Staff recommends that the Federal Emergency Management Agency and State reimbursements be used to provide a two percent stipend to all city employees (except for members of the International Association of Firefighters (IAFF) Local 2551, with whom the City currently doesn't have a contract) prior to December 1, 2010.

Mayor Lester invited Sergeant Scott Willard with the Fraternal Order of Police Local 170 and Keith Lee of the Communications Workers of America Local 6012 to address the Council. Mr. Willard, on behalf of the Broken Arrow Police Department, thanked City Manager Dave Wooden and the Council for the honor and integrity they've demonstrated during his years as the Fraternal Order of Police President. He praised them for their vision, problem-solving and decision-making skills, and leadership during tough economic times, stating that the department feels blessed not to have had furloughs or layoffs. Mr. Lee then addressed the Council, expressing his appreciation that the City always manages to find the tools, equipment, and other items needed by the Public Works Department.

Councilor McCaleb expressed his appreciation to the City's employees for making do with a lot less, stating that Broken Arrow has less personnel per capita than most cities, and appreciation should go to the workers.

Vice-Mayor Thurmond agreed with Councilor McCaleb, stating that Broken Arrow employees do an outstanding job with fewer resources than any of the surrounding communities. He said it was appropriate that these funds be used to express appreciation to the employees of the City, adding that he wished the economy was better and they could do more for employees.

Councilor Carter concurred with Councilor McCaleb and Vice-Mayor Thurmond, saying that he feels the City has the best group of employees of any city he knows of, and they deserve all the help that can be given to them. He stated that the stipend is an appropriate way to say thanks for the standard of services they've maintained for the citizens.

Mayor Lester said that Mr. Willard, Mr. Lee, and everyone they represent make the City look good, filling in the gap of 47 vacant positions and serving the citizens well at the same level as before. He added that through their efforts the City is, hopefully, becoming more financially able to begin giving raises again.

Motion:	Move to approve the use of the Federal Emergency Management Agency (FEMA) reimbursement to provide a two percent (2%) stipend to all City employees except for members of the International Association of Firefighters (IAFF) Local 2551 due to negotiations for Fiscal year 2010-2011
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Councilor Carter concurred with Councilor McCaleb and Vice-Mayor Thurmond, saying that he feels the City has the best group of employees of any city he knows of, and they deserve all the help that can be given to them. He stated that the stipend is an appropriate way to say thanks for the standard of services they've maintained for the citizens.

Mayor Lester said that Mr. Willard, Mr. Lee, and everyone they represent make the City look good, filling in the gap of 47 vacant positions and serving the citizens well at the same level as before. He added that through their efforts the City is, hopefully, becoming more financially able to begin giving raises again.

Motion:

Move to approve the use of the Federal Emergency Management Agency (FEMA) reimbursement to provide a two percent (2%) stipend to all City employees except for members of the International Association of Firefighters (IAFF) Local 2551 due to negotiations for Fiscal year 2010-2011

Broken Arrow City Council Page 3 of 6 October 19, 2010

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

- B. Approval of and authorization to execute an Interlocal Agreement for the Design of 101st Street and Midway Road from the new AFRC Facility to Highway 51

Item Minutes: Engineering Director Kenneth Schwab informed the Council that a few months ago the Oklahoma Department of Transportation asked the City of Broken Arrow, the City of Coweta, and Wagoner County to meet together to discuss together the current condition of the road at the new Armed Forced Reserve Center facility as well as the expected future impacts of that new facility on the road. He said the existing road has fallen apart during the course of construction, and would have been unable to handle the expected increased traffic once the new facility is completed. Mr. Schwab said that because the property falls in the three different jurisdictions, the Oklahoma Department of Transportation proposed to pay for all of the construction of the roadway, the construction oversight required environmental clearances, and signals (and their design) at Highway 51 and Midway, all through Federal Highway funds administered through the Surface Transportation Program (STP). Mr. Schwab said the Oklahoma Department of Transportation required the three entities to agree on and provide for the design services for the roadway, the relocation of any utilities that may be affected, and acquisition of any required rights-of-way. He said this Interlocal agreement specifies that the engineering design services will be shared equaled between the entities, and the costs for rights-of-way acquisition and utility relocations will be apportioned based upon the cost directly associated within the individual entity's legal jurisdiction. Mr. Schwab said the City of Broken Arrow's expects a minimal cost associated with utility relocations and will have no right-of-way acquisitions. He also stated that the City's costs will be funded by the Sales Tax Capital Improvement Fund.

Mayor Mike Lester asked Mr. Schwab if the other entities have indicated they have funds available to carry this out. Mr. Schwab responded that they have not indicated that they have the funds available at this time, adding that both entities will be considering these items in the near future, and both anticipate that these items will pass.

Motion:	Move to approve the Interlocal agreement and authorize its execution by Acting City Manager
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Consideration of, possible selection and approval of voting and alternate voting delegates for the National League of Cities Annual Business Meeting on December 4, 2010

Item Minutes: Human Resources Director and Acting City Manager Russell Gale stated the factual information as contained in the Fact Sheet provided in the Agenda Packet. Mayor Mike Lester stated that Vice-Mayor Craig Thurmond will be the voting delegate and that he (Mayor Lester) would serve as the alternate voting delegate, since they both have steering committee meetings during this annual meeting. Councilor McCaleb asked if they would be the only two attending, and Mayor Lester answered yes, unless anyone else wants to go. Councilor McCaleb responded no, since the rest of the Councilors don't have committee assignments and the traveling freeze is still in effect.

Motion:	Move to designate Vice-Mayor Thurmond as the voting delegate and Mayor Lester as the alternate
Motion by:	Richard Carter
Second by:	Wade McCaleb
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.

11. Preview Ordinances

- A. An ordinance annexing 48.4 acres of property located at the intersection of Washington (91st Street) and Oneta Road in part of the SW/4 of Section 15, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, granting a zoning classification; and declaring an emergency
- B. An ordinance annexing 92.8 acres of property located at the intersection of Washington (91st Street) and Oneta Road in part of the SW/4 of Section 15, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, granting a zoning classification; and declaring an emergency

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 an Interlocal Agreement for the Design of 101st Street and Midway Road from the new AFRC Facility to Highway 51

Item Minutes: Engineering Director Kenneth Schwab informed the Council that a few months ago the Oklahoma Department of Transportation asked the City of Broken Arrow, the City of Coweta, and Wagoner County to meet together to discuss together the current condition of the road at the new Armed Forced Reserve Center facility as well as the expected future impacts of that new facility on the road. He said the existing road has fallen apart during the course of construction, and would have been unable to handle the expected increased traffic once the new facility is completed. Mr. Schwab said that because the property falls in the three different jurisdictions, the Oklahoma Department of Transportation proposed to pay for all of the construction of the roadway, the construction oversight required environmental clearances, and signals and their design) at Highway 51 and Midway, all through Federal Highway funds administered through the Surface Transportation Program STP). Mr. Schwab said the Oklahoma Department of Transportation required the three entities to agree on and provide for the design services for the roadway, the relocation of any utilities that may be affected, and acquisition of any required rights-of-way. He said this Interlocal agreement specifies that the engineering design services will be shared equaled between the entities, and the costs for rights-of-way acquisition and utility relocations will be apportioned based upon the cost directly associated within the individual entity's legal jurisdiction. Mr. Schwab said the City of Broken Arrow's expects a minimal cost associated with utility relocations and will have no right-of-way acquisitions. He also stated that the City's costs will be funded by the Sales Tax Capital Improvement Fund. Mayor Mike Lester asked Mr. Schwab if the other entities have indicated they have funds available to carry this out. Mr. Schwab responded that they have not indicated that they have the funds available at this time, adding that both entities will be considering these items in the near future, and both anticipate that these items will pass.

Motion: Move to approve the Interlocal agreement and authorize its execution by
Actin ity Manager

Motion b Craig Thurmond

Second b Jill Norman

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

Nays: None

C. Consideration of, possible selection and approval of voting and alternate voting delegates for the National League of Cities Annual Business Meeting on December 4, 2010

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Motion: Move to designate Vice-Mayor Thurmond as the voting delegate and
Mayor Lester as the alternate

Motion b Richard Carter

Second b Wade McCaleb

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.

11. Preview Ordinances

A. An ordinance annexing 48.4 acres of property located at the intersection of Washington 91st Street) and Oneta Road in part of the SW/4 of Section 15, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, granting a zoning classification; and declaring an emergency

B. An ordinance annexing 92.8 acres of property located at the intersection of Washington 91st Street) and Oneta Road in part of the SW/4 of Section 15, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, granting a zoning classification; and declaring an emergency

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- C. An ordinance closing an easement located in part of Kenosha Commerce Center an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easements. (Project: Kenosha Commerce Center Sanitary Sewer, PT10-102)

Item Minutes: The Preview Ordinances 11A, 11B, and 11C were taken together. City Attorney Beth Anne Wilkening stated the factual information for Preview Ordinances 11A and 11B as contained in the Fact Sheet provided in the agenda packet. She said there will be a public hearing at the next Council meeting to provide an opportunity for anyone to voice their concerns about these annexations. Ms. Wilkening then stated the factual information for Preview Ordinance 11C as contained in the Fact Sheet provided in the agenda packet. She added that, beginning with this instance, if the property owner plans to foreclose the easement following approval of the easement closure and have fee simple title restored to them, this information will be noted on the cover sheets.

Motion:	Move to place the Preview Ordinances on the next meeting agenda for possible adoption
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

12. Ordinances

- A. Adopt Ordinance No. 3127, 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 addressed the Council regarding this ordinance approving and adopting the Broken Arrow FlightSafety and Downtown Economic Development Project Plan. She stated that two public hearings have been held in accordance with state law. Ms Wilkening expressed surprise that no one spoke up against this project, and then described this as the type of project the legislature had in mind when they enacted the Tax Increment Financing Statutes. She said this is the final step needed, to approve the project plan which is attached to the ordinance as required by law. She added that she anticipates at the next meeting the Council and the Authority will be asked to consider the incurrence of the disbursement of the funding on the job retention benefits according to the terms of the FlightSafety contract.

Motion:	Move to adopt Ordinance 3127
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the emergency clause on Ordinance 3127
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. Adopt Ordinance 3128, an ordinance amending Chapter 2, Article II, Sections 2-23, 2-24, 2-25, 2-26, 2-27, 2-28, 2-29, 2-30, 2-31, 2-32, 3-33, 2-34, 2-35, 2-87, 2-88, 2-89, 2-90, 2-181, 2-185, 2-187, and 2-188 of the Broken Arrow Code, pertaining to purchasing, competitive bidding, award and rejection of bids, bonds, public construction contracts, public building construction, streets, departments of streets, general services, and utilities, logistics division, finance department, purchase orders, and invoices; and repealing all ordinances to the contrary

Item Minutes: City Attorney Beth Anne Wilkening informed the Council that no significant changes had been made to this item since it was discussed in detail during the last meeting. She said she corrected some typographical errors and made one change to reflect a change in state statute effective November 1, which states that public trusts are no longer subject to the \$25,000 limitation as it pertains to public competitive bidding.

Motion:	Move to adopt Ordinance 3128
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

C. An ordinance closing an easement located in part of Kenosha Commerce Center an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easements. Project: Kenosha Commerce Center Sanitary Sewer, PT10-102)

Item Minutes: The Preview Ordinances 11 A, 11 B, and 11 C were taken together. City Attorney Beth Anne Wilkening stated the factual information for Preview Ordinances 11 A and 11 B as contained in the Fact Sheet provided in the agenda packet. She said there will be a public hearing at the next Council meeting to provide an opportunity for anyone to voice their concerns about these annexations. Ms. Wilkening then stated the factual information for Preview Ordinance 11 C as contained in the Fact Sheet provided in the agenda packet. She added that, beginning with this instance, if the property owner plans to foreclose the easement following approval of the easement closure and have fee simple title restored to them, this information will be noted on the cover sheets.

Motion: Move to place the Preview Ordinances on the next meeting agenda for possible adoption

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

12. Ordinances

A. Adopt Ordinance No. 3127, 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 addressed the Council regarding this ordinance approving and adopting the Broken Arrow FlightSafety and Downtown Economic Development Project Plan. She stated that two public hearings have been held in accordance with state law. Ms Wilkening expressed surprise that no one spoke up against this project, and then described this as the type of project the legislature had in mind when they enacted the Tax Increment Financing Statutes. She said this is the final step needed, to approve the project plan which is attached to the ordinance as required by law. She added that she anticipates at the next meeting the Council and the Authority will be asked to consider the incurrence of the disbursement of the funding on the job retention benefits according to the terms of the FlightSafety contract.

Motion: Move to adopt Ordinance 3127

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

Motion: Move to adopt the emergency clause on Ordinance 3127

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

B. Adopt Ordinance 3128, an ordinance amending Chapter 2, Article II, Sections 2-23, 2-24, 2-25, 2-26, 2-27, 2-28, 2-29, 2-30, 2-31, 2-32, 3-33, 2-34, 2-35, 2-87, 2-88, 2-89, 2-90, 2-181, 2-185, 2-187, and 2-188 of the Broken Arrow Code, pertaining to purchasing, competitive bidding, award and rejection of bids, bonds, public construction contracts, public building construction, streets, departments of streets, general services, and utilities, logistics division, finance department, purchase orders, and invoices; and repealing all ordinances to the contrary

Item Minutes: City Attorney Beth Anne Wilkening informed the Council that no significant changes had been made to this item since it was discussed in detail during the last meeting. She said she corrected some typographical errors and made one change to reflect a change in state statute effective November 1, which states that public trusts are no longer subject to the \$25,000 limitation as it pertains to public competitive bidding.

Motion: Move to adopt Ordinance 3128

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

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C. Adopt Ordinance No. 3129, an ordinance amending Chapter 2, Article XVI, Sections 2-230, 2-231, and 2-234, all pertaining to the Downtown Advisory Board, Creation, Appointments and Duties; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening described this ordinance as one which expands the size of the Downtown Advisory Board and gives them more responsibilities, and said the City looks forward to their input as they advance through the Downtown Tax Increment Financing. She said no significant changes have been made to this item since it was last brought before the Council.

Motion:	Move to adopt Ordinance 3129
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the emergency clause on Ordinance 3129
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

D. Adopt Ordinance No. 3130, an ordinance closing a right-of-way in the Northwest Corner of Block 1, Mound View Addition, to the City of Broken Arrow, Tulsa County, State of Oklahoma; and repealing all ordinances to the contrary. (Project: Flight Safety)

Item Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that she does not anticipate that they will advance to closure on this.

Motion:	Move to adopt Ordinances 3130
Motion by:	Jill Norman
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb informed the Council that the approval of and swearing-in of the Youth Council members will be on the November 2 agenda. He said he would provide copies of the Youth City Council applications as well as the meeting schedule to the Councilors for their review. Councilor McCaleb added that he expects to have seven to nine Youth City Council members.

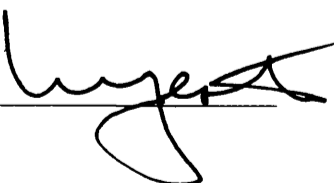
14. Executive Session

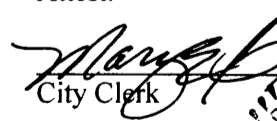

Section Minutes: There was no Executive Session.

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:17 p.m.

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


 Mayor

Attest:

 City Clerk


C. Adopt Ordinance No. 3129, an ordinance amending Chapter 2, Article XVI, Sections 2-230, 2-23 1, and 2-234, all pertaining to the Downtown Advisory Board, Creation, Appointments and Duties; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening described this ordinance as one which expands the size of the Downtown Advisory Board and gives them more responsibilities, and said the City looks forward to their input as they advance through the Downtown Tax Increment Financing. She said no significant changes have been made to this item since it was last brought before the Council.

Motion: Move to adopt Ordinance 3129

Motion b Craig Thurmond

Second b Jill Norman

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

Nays: None

Motion: Move to adopt the emergency clause on Ordinance 3129

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

D. Adopt Ordinance No. 3130, an ordinance closing a right-of-way in the Northwest Corner of Block 1, Mound View Addition, to the City of Broken Arrow, Tulsa County, State of Oklahoma; and repealing all ordinances to the contrary.

Project: Flight Safety

Item Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that she does not anticipate that they will advance to closure on this.

Motion: Move to adopt Ordinances 3130

Motion b Jill Norman

Second b Wade McCaleb

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb informed the Council that the approval of and swearing-in of the Youth Council members will be on the November 2 agenda. He said he would provide copies of the Youth City Council applications as well as the meeting schedule to the Councilors for their review. Councilor McCaleb added that he expects to have seven to nine Youth City Council members.

14. Executive Session

Section Minutes: There was no Executive Session.

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:17 p.m.

Motion: Move to adjourn

Motion b Richard Carter

Second b Crai Thurmond

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

Nays: None

Attest:

Mayor City Cl

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