

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
March 2, 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 present to deliver an Invocation.

3. Roll Call

The roll was called with a moment of silence in memory of Councilman Philip Tucker.

Present:	Craig Thurmond, Richard Carter, Wade McCaleb and Mike Lester
Absent:	

4. Pledge of Allegiance to the Flag

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

5. Opportunity to express appreciation and gratitude for the service of Councilman Philip Tucker and to express condolences to the Tucker family.

Council agreed that Councilor Tucker's presence was felt at this evening's meeting, and each Councilor expressed his gratitude for Councilman Tucker's service and stated that Phil Tucker will be remembered for his dedication, caring, honesty and humor.

Consideration of Consent Agenda

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

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

- A. Approval of regular meeting minutes of February 16, 2010
- B. Acceptance of the minutes of the Planning Commission meeting held February 11, 2010
- C. Recognition of Grant awarded and approval of Budget Amendment #12 for pandemic influenza supplies
- D. Consideration and Possible Approval of the Workers Compensation Court Order on Richard Vaughn, former Street/Stormwater Department employee
- E. Approval of Traffic Calming Policy Implementation for 3rd Street and Tacoma Street, between Albany Street and 9th Street
- F. Approval to declare certain City owned equipment as surplus and authorize the sale of those items by public auction
- G. Approval to purchase forty-three sets of bunker gear
- H. Approval of bids received and award of the most advantageous for the purchase of four Life Pak 15 defibrillator/monitors from Physio Control
- I. Approval of bids received and award of the most advantageous bid to Jim Norton Ford for the purchase of five SUV, 4WD Utility Vehicles for Police Department
- J. BAZ 1841, less than 2 acres, 1 lot, A-1 to IL, north of Washington Street (91st Street), east of State Highway 51 at 21801 East Washington Street

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Present:

Absent:

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

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Motion: Move to approve the Consent Agenda as resented

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

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- K. Requesting Council to authorize the Mayor's participation in the closing process on March 4, 2010, by his execution of the closing statement for a parcel of land being transferred to the City of Broken Arrow from Sandlane Investment Co., an Oklahoma Corporation, as per the agreement which was approved at the April 7, 2009 council meeting. The parcel is located immediately east and south of the Northwest corner of Section 10, Township 18, Range 15, Wagoner County, State of Oklahoma. (Project: Covington Estates Flood Storage) (SW0914)
- L. 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. General Fund Financial Presentation for the seven months ending January 31, 2010

Item Minutes: Mr. Tom Caldwell, Finance Department Director, presented the information contained in the Fact Sheet and accompanying documents.

No action was required or taken.

- B. Approval of Proclamation recognizing Arbor Day and Proclaiming the month of March 2010 as "Arbor Days"

Item Minutes: Mayor Lester presented the Proclamation to Chris Ohler from Parks Department and said the Proclamation be presented at the event in Oklahoma City.

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

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

Section Minutes: There were no requests to speak.

9. General Council Business

- A. Consideration and Possible Approval of a Resolution Confirming the Apportionment and Assessment of the 140th Street Assessment District

Item Minutes: Ms. Wilkening presented this Item. She presented the information provided in the Fact Sheet as follows:

"The public hearing was held on February 16, 2010. Prior to that, an Amended Public Improvement Assessment Roll was filed with the City Clerk's Office. Letters explaining the process, the 140th Street Assessment District Legal Notice of Public Hearing and the Amended Assessment Roll were mailed to all residents on January 22, 2010, which was well in advance of the statutory notice requirements. Publication in a newspaper of general circulation was also accomplished in accordance with state law. The City Clerk received no complaints or objections regarding the apportionment of the lots and Assessment Roll. However, the City Attorney received a request from Mr. Pope that all assessments from his four (4) properties be placed on the real property identified as 11402 South 140th East Avenue. This was accomplished on the Amended Assessment Roll. The attached Resolution confirms the apportionment and assessment of the 140th Street Assessment District. The next step in the process will be presentation of an Ordinance at the next Council meeting."

Motion:	Move to approve Resolution Confirming the Apportionment and Assessment of the 140th Street Assessment District
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond
Nays:	None

- B. Approval of a Policy Banning Texting While Driving City Vehicles or Personal Vehicles While Working in Behalf of the City

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

Motion:	Move to approve Policy Banning Texting While Driving City Vehicles or Personal Vehicles While Working in Behalf of the City
Motion by:	Craig Thurmond, Richard Carter
Second by:	None

K. Requesting Council to authorize the Mayor's participation in the closing process on March 4, 2010, by his execution of the closing statement for a parcel of land being transferred to the City of Broken Arrow from Sandlane Investment Co., an Oklahoma Corporation, as per the agreement which was approved at the April 7, 2009 council meeting. The parcel is located immediately east and south of the Northwest corner of Section 10, Township 18, Range 15, Wagoner County, State of Oklahoma. Project: Covington Estates Flood Storage) SW0914)

L. Approval of the Claims List

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Item Minutes: Mayor Lester presented the Proclamation to Chris Ohler from Parks Department and said the Proclamation be presented at the event in Oklahoma City.

Motion: Move to approve Proclamation recognizing Arbor Day and Proclaiming the month of March 2010 as Arbor Days"

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

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

Section Minutes: There were no requests to speak.

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Motion: Move to approve Resolution Confirming the Apportionment and Assessment of the 140th Street Assessment District

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Wade McCaleb, Richard Carter, Craig Thurmond

Nays: None

B. Approval of a Policy Banning Texting While Driving City Vehicles or Personal Vehicles While Working in Behalf of the City

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

Motion: Move to approve Policy Banning Texting While Driving City Vehicles or

Personal Vehicles While Working in Behalf of the City

Motion b Craig Thurmond, Richard Carter

Second b None

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

- C. PUD 202, Kenosha Commerce Center, 8.89 acres, and BAZ 1840, IL to CG, 2.00 acres, one-half mile west of Olive Avenue (129th East Avenue), south of Kenosha Street (71st Street).

Item Minutes: City Planner, Mr. Farhad Daroga reviewed the background to this item as presented in the Fact Sheet provided in the agenda packet. He stated that this application has been continued several times to provide the applicant, Mr. Lou Reynolds, an opportunity to meet with the abutting property owner to the south to discuss an existing mutual access easement that the property owner to the south has on the property associated with this rezoning request. Mr. Reynolds and the property owner, Mr. Ted Moore, addressed Council regarding their concerns and they agreed that Mr. Moore be and involved when a plat of this PUD is submitted and that a condition be added to the approval of this PUD that the adjoining property owner be notified of the plat, before the preliminary plat is reviewed by the Technical Advisory Committee (TAC) and the Planning Commission. Council approved the item with the condition to notify the adjoining property owner to the south, prior to the preliminary plat review by the Technical Advisory Committee and the Planning Commission.

Motion:	Move to approve PUD 202, Kenosha Commerce Center, 8.89 acres, and BAZ 1840, IL to CG, 2.00 acres, one-half mile west of Olive Avenue (129th East Avenue), south of Kenosha Street (71st Street) with the condition to notify the adjoining property owner to the south, prior to the preliminary plat review by the Technical Advisory Committee and the Planning Commission
Motion by:	Craig Thurmond
Second by:	Wade McCaleb
Ayes:	Craig Thurmond, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

10. City Manager's Report

- A. Economic Development Organization

Item Minutes: This item was pulled from the agenda. No action was taken or required.

11. Preview Ordinances

- A. None

Ordinances

Section Minutes: The Ordinances were taken together as previewed.

Motion:	Move to adopt Ordinance Nos. 3066, 3079, 3082, 3084, 3085, 3087, 3093, 3094, 3097, 3098
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to approve the Emergency Clause for Ordinance Nos. 3066, 3079, 3082, 3084, 3085, 3087, 3093, 3094, 3097, 3098
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Adoption of Ordinance No. 3066 amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1380 granting CG zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. Adoption of Ordinance No. 3079 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1685, and granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. Adoption of Ordinance No. 3082 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1334, and granting IL zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. Adoption of Ordinance No. 3084 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1318, and granting CH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. Adoption of Ordinance No. 3085 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1770, and granting CH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Ayes:

Nays:

Craig Thurmond, Richard Carte

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None

None

C. PUD 202, Kenosha Commerce Center, 8.89 acres, and BAZ 1840, IL to CG, 2.00 acres, one-half mile west of Olive Avenue 129th East Avenue), south of Kenosha Street 71st Street).

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Motion: Move to approve PUD 202, Kenosha Commerce Center, 8.89 acres, and BAZ 1840, IL to CG, 2.00 acres, one-half mile west of Olive Avenue 129th East Avenue), south of Kenosha Street 71st Street) with the condition to notify the adjoining property owner to the south, prior to the preliminary plat review b the Technical Advisory Committee and the Planning Commission

Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

10. City Manager's Report

A. Economic Development Organization

Item Minutes: This item was pulled from the agenda. No action was taken or required.

11. Preview Ordinances

A. None

Ordinances

Section Minutes: The Ordinances were taken together as previewed.

Motion: Move to adopt Ordinance Nos. 3066, 3079, 3082, 3084, 3085, 3087, 3093, 3094, 3097, 3098

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Motion: Move to approve the Emergency Clause for Ordinance Nos. 3066, 3079, 3082, 3084, 3085, 3087, 3093, 3094, 3097, 3098

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

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C. Adoption of Ordinance No. 3082 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1334, and granting IL zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

D. Adoption of Ordinance No. 3084 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1318, and granting CH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

E. Adoption of Ordinance No. 3085 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1770, and granting CH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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- F. Adoption of Ordinance No. 3087 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1776 and PUD 179, And granting CH and PUD 179 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G. Adoption of Ordinance No. 3093 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1759, and granting A-1 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- H. Adoption of Ordinance No. 3094 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1669, and PUD 158, and granting RS-3 and PUD 158 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- I. Adoption of Ordinance No. 3097 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1732, and granting ON zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- J. Adoption of Ordinance No. 3098 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1717, and granting R-2 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or inquiries.

At 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 meeting and the Broken Arrow Economic Development Authority meeting
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

Mayor Lester reconvened the regular meeting at 7:19 p.m.

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

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

Mayor Lester reconvened the regular meeting at 7:24 p.m.

- 14. Executive Session for the purpose of confidential communications and possible action in open session between the City Council, the City Manager, and the City Attorney on potential litigation with Roland Investments, Ltd., for real property and improvements thereto located in the Stone Wood Hills/Bass Pro area, the acquisition and possible condemnation of Bass Pro Drive from Albany to the western boundary of the Bass Pro property; and the acquisition and possible condemnation of Stone Wood Drive from Albany to Stone Wood Circle under 25 O.S. § 307(B)(4) and 25 O.S. § 307 (B)(3). The Council is advised that disclosure will seriously impair the ability of the public body to process this pending litigation and claim in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.**

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

Section Minutes: Mayor Lester reconvened the regular session of the City Council at 7:42 p.m. and the room was opened for those in attendance.

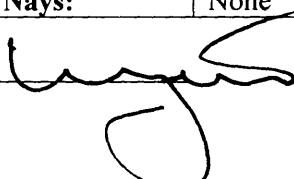
Mayor Lester said there were no items for action. No action was required or taken.


15. Adjournment

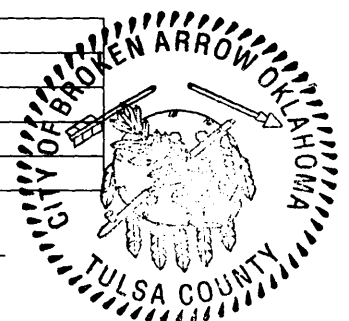
Section Minutes: The meeting adjourned at 7:43 p.m.

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

Mayor



Attest:

 City Clerk



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Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

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Second b Richard Carter

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Nays: None

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Mayor Lester said there were no items for action. No action was required or taken.

15. Adjournment

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

Motion: Move to adjourn 11

Motion b Wade McCaleb

Second b Richard Carter

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

Nays:

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None

Attest:

Mayor \ City Cl

Broken Arrow Economic Development Authority meeting.

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March 2, 2010