

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
December 1, 2009**

**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 Pastor Danny Burton.

**3. Roll Call**

<b>Present:</b>	Wade McCaleb. Craig Thurmond. Richard Carter. Philip Tucker. Mike Lester
<b>Absent:</b>	None

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

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

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Lester stated that Item 5D would be removed from the Consent Agenda and asked for a motion to approve the Consent agenda except Item 5D.

<b>Motion:</b>	<b>Move to approve Consent Agenda except for Item 5D</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb. Craig Thurmond. Richard Carter. Philip Tucker. Mike Lester
<b>Nays:</b>	None

- A. Approval of regular meeting minutes of November 17, 2009
- B. Acceptance of minutes of the Planning Commission meeting held November 5, 2009
- C. Consideration and Approval of a Use Agreement with the Broken Arrow Soccer Club
- D. Ratify and authorize execution of a Supplemental Agreement with Perkins & Brown Development LLC (S35 T17N R14E) Project: Elm Place Extension FAA Site to Omaha Street
- E. Approval of bids received and award of the most advantageous bid for a contract with Becco Contractors, Inc., for construction of the Asphalt Concrete Mill and Overlay in Carriage Crossing Subdivision and authorization to execute the contract documents
- F. Approval of bids received and award the most advantageous bid for a quint fire apparatus
- G. Acceptance of Public Improvement for Bent Arrow Veterinary Hospital
- H. Acceptance of Public Improvement Bentley Village III, Backyard Lots 1-8, Block I Bently Village I
- I. Acceptance of Public Improvement for Hartford Park Lots 5-9, Block I
- J. Acceptance of Public Improvements Oneta Square

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Invocation

Section Minutes: The Invocation was delivered by Pastor Danny Burton.

Roll Call

Present: Wade McCaleb. Craig Thurmond. Richard Carter. Philip Tucker. Mike Lester

Absent:

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Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester stated that Item 5D would be removed from the Consent Agenda and asked for a motion to approve the Consent agenda except Item 5D.

Motion: Move to approve Consent Agenda except for Item 5D

Motion by: Wade McCaleb

Second by: Richard Carter

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

Nays: None

A. Approval of regular meeting minutes of November 17, 2009

B. Acceptance of minutes of the Planning Commission meeting held November 5, 2009

C. Consideration and Approval of a Use Agreement with the Broken Arrow Soccer Club

D. Ratify and authorize execution of a Supplemental Agreement with Perkins & Brown Development LLC S35 T 17N R 14E) Project: Elm Place Extension FAA Site to Omaha Street

E. Approval of bids received and award of the most advantageous bid for a contract with Becco Contractors, Inc.. for construction of the Asphalt Concrete Mill and Overlay in Carriage Crossing Subdivision and authorization to execute the contract documents

F. Approval of bids received and award the most advantageous bid for a quint fire apparatus

G. Acceptance of Public Improvement for Bent Arrow Veterinai Hospital

H. Acceptance of Public Improvement Bentley Village III. Backyard Lots I-K. Block I Bentley Village I

I. Acceptance of Public Improvement for Hartford Park Lots 5-9. Block I

J. Acceptance of Public Improvements Oneta Square

Broken Arrow City Council Agenda Page I of 7 December I, 2009



K. Acceptance of Public Improvements Sonic at Aspen Commercial Center

L. Approval of the Claims List

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

**5D.** Ratify and authorize execution of a Supplemental Agreement with Perkins & Brown Development LLC (S35 T17N R14E) Project: Elm Place Extension FAA Site to Omaha Street

**Section Minutes:** Item 5D was removed from the Consent Agenda. Mr. Robert Townsend requested to speak in opposition to this item. He stated that documents such as maps, engineer stamped plans, etc. were not done or provided and requested that Council not proceed with this item. Mr. Dave Wooden explained that this is an ongoing project and the item on the agenda this evening dealt with the earthwork and moving construction dirt on the site.

<b>Motion:</b>	<b>Move to ratify and authorize execution of a Supplemental Agreement with Perkins &amp; Brown Development LLC (S35 T17N R14E) Project: Elm Place Extension FAA Site to Omaha Street</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

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

A. Appeal from denial by the Planning Commission of BACP 105, Comprehensive Plan Amendment, 95.89 acres, changing the Comprehensive Plan designation of Levels 2, 3, 4, 6, and Public Recreation within two areas of Battle Creek, southeast corner of Aspen Avenue (145th East Avenue) and Dearborn Street (41st Street) and east of the northeast corner of Aspen Avenue (145th East Avenue) and the Broken Arrow Expressway (State Highway 51)

**Item Minutes:** Mr. Wooden presented this Item in accordance with the Fact Sheet contained in the agenda packet. He requested that this item be tabled until the January 5, 2010 meeting in order to allow more time to review and research the matter. There were no objections.

<b>Motion:</b>	<b>Move to table appeal from denial by the Planning Commission of BACP 105, Comprehensive Plan Amendment, 95.89 acres, changing the Comprehensive Plan designation of Levels 2, 3, 4, 6, and Public Recreation within two areas of Battle Creek, southeast corner of Aspen Avenue (145th East Avenue) and Dearborn Street (41st Street) and east of the northeast corner of Aspen Avenue (145th East Avenue) and the Broken Arrow Expressway (State Highway 51)</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

B. General Fund Financial Presentation for the four months ending October 31, 2009

**Item Minutes:** Finance Director, Mr. Tom Caldwell, presented the information for this Item as detailed in the Fact Sheet contained in the agenda packet.

No action was required or taken.

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

K. Acceptance of Public Improvements Some at Aspen Commercial Center

L. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5D. Ratify and authorize execution of a Supplemental Agreement with Perkins & Brown Development LLC S35 T 17N R 14E) Project: Elm Place Extension FAA Site to Omaha Street

Section Minutes: Item SD was removed from the Consent Agenda. Mr. Robert Townsend requested to speak in opposition to this item. He stated that documents such as maps, engineer stamped plans, etc. were not done or provided and requested that Council not proceed with this item. Mr. Dave Wooden explained that this is an ongoing project and the item on the agenda this evening dealt with the earthwork and moving construction dirt on the site.

Motion: Move to ratify and authorize execution of a Supplemental Agreement with Perkins & Brown Development LLC S35 T17N R14E) Project: Elm Place Extension FAA Site to Omaha Street

Motion by: Philip Tucker

Second by: Richard Carter

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

Nays: None

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

B.

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Motion: Move to table appeal from denial by the Planning Commission of BACP 105, Comprehensive Plan Amendment, 95.89 acres, changing the Comprehensive Plan designation of Levels 2, 3, 4, 6, and Public Recreation within two areas of Battle Creek, southeast corner of Aspen Avenue 145th East Avenue) and Dearborn Street 41st Street) and cast of the northeast corner of Aspen Avenue 145th East Avenue) and the Broken Arrow Expressway State Highway 51)

Motion by: Richard Carter

Second by: Philip Tucker

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

Nays: None

General Fund Financial Presentation for the four months ending October 3 I. 2009

Item Minutes: Finance Director. Mr. Tom Caldwell. presented the information for this Item as detailed in the Fact Sheet contained in the agenda packet.

No action ryas required or taken.

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

Broken Arrow City Council Agenda Page 2 of 7 December I. 2009



9. **General Council Business**

- A. Consideration of and possible action regarding the position of City Manager, to include direction of staff to schedule interviews, suspension of the search for City Manager, and appointment of David L. Wooden to the position of City Manager

**Item Minutes:** Mayor Lester presented the information set out in the Fact Sheet contained in the agenda packet. The Mayor added that Council is committed to hiring a City Manager but said that in consideration of the current economic situation and its potential impact on City services, it was prudent to consider several options. Mayor Lester reviewed the options as set forth in the Fact Sheet. He asked if Council wished to proceed or to discuss in Executive Session. Councilors McCaleb and Carter stated they wished to table this item until after discussion in Executive Session. Mayor Lester asked for a motion to table until after Executive Session.

<b>Motion:</b>	<b>Move to table until after the Executive Session, Item 9A Consideration of and possible action regarding the position of City Manager, to include direction of staff to schedule interviews, suspension of the search for City Manager, and appointment of David L. Wooden to the position of City Manager</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Wade McCaleb, Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester
<b>Nays:</b>	None

After the Executive Session concluded and Council reconvened in open session, Vice Mayor Tucker made a motion to appoint David L. Wooden as the City Manager effective December 2, 2009. Vice Mayor Tucker stated that he assumed the City Attorney will draft an Employment Agreement and submit it to the Council for review at the next meeting on January 5, 2010. The City Attorney, Ms. Beth Anne Wilkening, said the Agreement will be prepared.

<b>Motion:</b>	<b>Move to appoint David L. Wooden as the City Manager effective December 2, 2009.</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester
<b>Nays:</b>	None

Mayor Lester returned to Executive Session business that Council wished to consider for action after the Executive Session.

- B. Consideration and Possible Approval of Minor Change Order C01 to Contract Number ST0919, Downtown Intersection Streetscape Improvements, Phase II

**Item Minutes:** Acting City Manager, Mr. Dave Wooden, presented this item in accordance with the details provided in the Fact Sheet contained in the agenda packet. Mr. Wooden said Minor Change Order #1 is needed to formally document an agreement between the City of Broken Arrow and Crossland Heavy Construction to delay start of physical construction activity until January 4, 2010 and that the time for completion of the contract will be increased by 98 days and no increase in the contract amount. Mr. Wooden said it is difficult to find a time that pleases everyone on Main Street: that if the work is in the summer, farmers' market participants could ask for a delay, and, unfortunately, funds for these projects usually become available around the holiday shopping season. Mr. Wooden said Council needs to consider this project, the additional costs being incurred, and determine if they want to shut this project down. Councilor McCaleb asked if the funds can be used for other projects if this project is terminated. Mr. Wooden said the money was designated for this project according to federal requirements, and it is not known if the funds would be reallocated by the County back to Broken Arrow.

Ms. Patsy Terry of Arrow Flowers, addressed Council said that the holidays in the first quarter of the year are just as vital as the holidays in last quarter. She said that construction underway on access roads onto Main Street already tipped shoppers off that it might be too hard to get to Main Street even if Main Street is not blocked. Mr. Bob Fornell spoke to Council on behalf of his wife, Christine Fornell of Sew Flakes. He said that construction in past years really hurt his wife's business. He said he is not asking that the project be cancelled but that it be postponed at least until May and summer months when retail is slower. Ms.

9.

### General Council Business

A. Consideration of and possible action regarding the position of City Manager. to include direction of staff to schedule interviews. suspension of the search for City Manager. and appointment of David L. Wooden to the position of City Manager

Item Minutes: Mayor Lester presented the information set out in the Fact Sheet contained in the agenda packet. The Mayor added that Council is cone pitted to hiring a Cit Manager but said that in consideration of the current economic situation and its potential impact on Cit services. it was prudent to consider several options. Mayor Lester reviewed the options as set forth in the Fact Sheet. He asked if Council wished to proceed or to discuss in Executive Session. Councilors McCaleb and Carter stated they wished to table this item until after discussion in Executive Session. Mayor Lester asked for a motion to table until after Executive Session.

Motion: Move to table until after the Executive Session, Item 9A Consideration of and possible action regarding the position of City Manager, to include direction of staff to schedule interviews, suspension of the search for Cit} Manager, and appointment of David L. Wooden to the position of City Manager

Motion by: Wade McCaleb

Second by: Philip Tucker

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

Nays: None

After the Executive Session concluded and Council reconvened in open session. Vice Mayor Tucker spade a motion to appoint David L. Wooden as the Cit Manager effective December 2. 2009. Vice Mayor Tucker stated that he assumed the Cit Attorney will draft an Employment Agreement and submit it to the Council for review at the next meeting on January 5. 20 10. The Cit Attorney. Ms. Beth Anne Wilkening. said the Agreement will be prepared.

Motion: Move to appoint David L. Wooden as the City Manager effective December 2, 2009.

Motion by: Philip Tucker

Second by: Richard Carter

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

Nays: None

Mayor Lester returned to Executive Session business that Council wished to consider for action after the Executive Session.

B. Consideration and Possible Approval of Minor Change Order C01 to Contract Number ST0919. Downtown Intersection Streetscape Inmproyements. Phase II

Item Minutes: Acting Cit Manager. Mr. Dave Wooden. presented this item in accordance with the details provided in the Fact Sheet contained in the agenda packet. Mr. Wooden said Minor Change Order #1 is needed to fornmall document an agreement between the Cit of Broken Arrow and Crossland Heavy Construction to delay start of physical construction activity until January 4. 2010 and that the time for completion of the contract will be increased by 99 days and no increase in the contract amount. Mr. Wooden said it is difficult to find a time that pleases everyone on Main Street: that if the work is in the summer. farmers" market participants could ask for a delay. and. unfortunately. funds for these projects usually become available around the holiday shopping season. Mr. Wooden said Council needs to consider this project. the additional costs being incurred. and determine if they want to shut this project down. Councilor McCaleb asked if the funds can be used for other projects if this project is terminated. Mr. Wooden said the money was designated for this project according to federal requirements. and it is not known if the funds would be reallocated by the County back to Broken Arrow.

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Christine Fornell sent a letter to record her opposition and to request a delay to construction until May or June 2010. Ms. Vicki Franey and Mr. Kent Franey with the Downtown merchants wished to record their opposition to construction but did not wish to speak.

Mayor Lester said it is very expensive to bid construction projects. He said that contractors do not bid more work than they can do so delays leave them with employees and no work. He added that, for example, there had also been a request to delay other construction around Rhema because of holiday lights display so there is really no good time for these projects where everyone is happy. Councilor McCaleb suggested that the matter be tabled in order to discuss extending the delay with the contractor.

Councilor made a motion to table to the Dec. 15, 2009 meeting. The motion died due to lack of a second. Councilor Thurmond moved to approve. Councilor McCaleb said he would vote "no" because he believed there was enough time to review the matter further and not because he opposed the project itself.

<b>Motion:</b>	<b>Move to approve Minor Change Order C01 to Contract Number ST0919, Downtown Intersection Streetscape Improvements, Phase II</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	Wade McCaleb

- C. Approval of Resolution No. 629, a Resolution of the City of Broken Arrow, Oklahoma in support of and calling for citizens to vote in the upcoming Broken Arrow Public School District Bond Election on December 8, 2009

**Item Minutes:** Mayor Lester presented the information provided in the Fact Sheet contained in the agenda packet. Mayor Lester said that he thinks Broken Arrow Schools are behind the curve and he encouraged voters to vote come out and vote. Councilor Carter said his kids went through Broken Arrow Public Schools in over-crowded conditions and his grandchildren are in the same antiquated portable classrooms his kids were in. Councilor Thurmond agreed that this bond gives a good opportunity to catch up and modernize. Councilor McCaleb said this bond gives the schools a chance to catch up after 30 years of being behind. He said it keeps the money in our community and allows projects to be done at one time rather than spread over 10, 15 years with construction costs going up. Councilor Tucker said he has been an educator for 26 years and this would give the schools a chance to catch up and get ahead of the curve rather than being behind as they have been in the past.

<b>Motion:</b>	<b>Move to approve Resolution No. 629, a Resolution of the City of Broken Arrow, Oklahoma in support of and calling for citizens to vote in the upcoming Broken Arrow Public School District Bond Election on December 8, 2009</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester
<b>Nays:</b>	None

- D. Approval of appointment of TJ Voskuhl to the Convention and Visitors' Bureau

**Item Minutes:** Mayor Lester said Mr. Voskuhl was nominated at the December 1, 2009 Council meeting and this item will approve Mr. Voskuhl's appointment

<b>Motion:</b>	<b>Move to approve appointment of TJ Voskuhl to the Convention and Visitors' Bureau</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester
<b>Nays:</b>	None

## 10. City Manager's Report

Christine Fornell sent a letter to record her opposition and to request a delay to construction until May or June 20 10. Ms. Vicki France and Mr. Kent France with the Downtown merchants wished to record their opposition to construction but did not wish to speak.

Mayor Lester said it is Nery expensive to bid construction projects. He said that contractors do not bid more work than the\ can do so delays leave them with employees and no work. He added that. for example. there had also been a request to delay other construction around Rhema because of holiday lights display so there is really no good time for these projects where everyone is happy. Councilor McCaleb suggested that the natter be tabled in order to discuss extending the delay with the contractor.

Councilor made a notion to table to the Dec. 15. 2009 meeting. The notion died due to lack of a second. Councilor Tlutrmond moved to approve. Councilor McCaleb said he would Note no" because he believed there NN as enough time to review the natter further and not because he opposed the project itself.

Motion: Move to approve Minor Change Order C01 to Contract Number ST0919,  
Downtown Intersection Streetsca pe Improvements, Phase 11

Motion hv: Craig Thurmond

Second by: Richard Carter

Ayes: Craig Thurmond. Richard Carter. Philip Tucker. Mike Lester

Nays: Wade McCaleb

C. Approval of Resolution No. 629. a Resolution of the Cit of Broken Arro\N. Oklahoma in support of and calling for citizens to Note in the upcoming Broken Arrow Public School District Bond Election on December 9. 2009

Item Minutes: Mayor Lester presented the information provided in the Fact Sheet contained in the agenda packet. Mayor Lester said that he thinks Broken Arrow Schools are behind the cur e and he encouraged Voters to Note conic out and Note. Councilor Carter said his kids went through Broken Arrow Public Schools in over-crowded conditions and his grandchildren are in the same antiquated portable classrooms his kids were in. Councilor Thurmond agreed that this bond gives a good opportunity to catch up and modernize. Councilor McCaleb said this bond gives the schools a chance to catch up after 30 years of being behind. He said it keeps the money in our community and allows projects to be done at one time rather than spread over 10. 15 years with construction costs going up. Councilor Tucker said he has been an educator for 26 years and this would give the schools a chance to catch up and get ahead of the curve rather than being behind as they have been in the past.

Motion: Move to approve Resolution No. 629, a Resolution of the Cit} of Broken Arrow, Oklahoma in support of and calling for citizens to vote in the upcoming Broken Arrow Public School District Bond Election on December 8, 2009

Motion by: Wade McCaleb

Second by: Richard Carter

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

Nays: None

D. Approval of appointment of TJ Voskuhl to the Convention and Visitors' Bureau

Item Minutes: Mayor Lester said Mr. Voskuhl was nominated at the December I. 2009 Council meeting and this item will approve Mr. Voskuhl's appointment

Motion: Move to approve appointment of TJ Voskuhl to the Convention and Visitors' Bureau

Motion by: Philip Tucker

Second by: Richard Carter

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

Nays: None

10. City Manager's Report

Broken Arrow City Council Agenda Page 4 of 7 December I. 2009

A. Belle Trace II Undeveloped Lots

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

Mr. David Robinson, a resident of Belle Trace II, spoke to Council regarding the undeveloped lots and stated that developers will not clean up until enough complaints are received to cause Neighborhood inspectors to be sent out. He provided photographs which shown on the overhead screen during Mr. Robinson's talk, and the photos will be made a part of the permanent record and are available for viewing by request at the City Clerk's office.

No action was taken or required.

B. Membrane Water Plant

**Item Minutes:** Mr. Wooden presented the background to this item by reviewing the information provided in the Fact Sheet contained in the agenda packet. He said that considering the importance and value of this project it is prudent that staff members Kenny Schwab, E&C Department Director, and Jimmy Helms, Water Plant Operator, make the visit to Los Angeles several plants with a variety of membrane systems in a single trip, and the visit will be scheduled in December or early January.

Mr. Wooden said that due to current budget constraints, the proposed trip has been carefully reviewed and since the City will be building a plant that will cost in excess of 65 million dollars, it has been determined that this trip is a prudent measure and funding for the trip will be out of the BAMA Water Utility account.

No action was taken or required.

11. Preview Ordinances

A. None

12. Ordinances

**Section Minutes:** Mr. Skates reviewed the details provided in the Fact Sheets in the agenda packet for these ordinances.

<b>Motion:</b>	<b>Move to adopt Ordinance Nos. 3066, 3067, and 3068</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Philip Tucker, Craig Thummond, Richard Carter, Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to adopt the Emergency Clauses for Ordinance Nos. 3066, 3067 and 3068</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Philip Tucker, Craig Thummond, Richard Carter, Mike Lester
<b>Nays:</b>	None

A. Adopt Ordinance No. 3066 amending Section 5.7F Banner, temporary, mobile, inflatable, or promotional business signs of the Zoning Ordinance (No. 2931) of the City of Broken Arrow, Oklahoma, Common Development Review Procedures; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. Adopt Ordinance No. 3067 amending Section 6.4.D, Step II (Lapse) of the Zoning Ordinance (No. 2931) of the City of Broken Arrow, Oklahoma, related to the expiration of Planned United Development Approvals; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

#### A. Belle Trace I I Undeveloped Lots

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

Mr. David Robinson, a resident of Belle Trace II, spoke to Council regarding the undeveloped lots and stated that developers will not clean up until enough complaints are received to cause Neighborhood inspectors to be sent out. He provided photographs which shown on the overhead screen during Mr. Robinson's talk, and the photos will be made a part of the permanent record and are available for viewing by request at the City Clerk's office.

No action was taken or required.

#### B. Membrane Water Plant

Item Minutes: Mr. Wooden presented the background to this item by reviewing the information provided in the Fact Sheet contained in the agenda packet. He said that considering the importance and value of this project it is prudent that staff members Kenny Schwab, E&C Department Director, and Jimmy Helms, Water Plant Operator, make the visit to Los Angeles several plants with a variety of membrane systems in a single trip, and the visit will be scheduled in December or early January.

Mr. Wooden said that due to current budget constraints, the proposed trip has been carefully reviewed and since the City will be building a plant that will cost in excess of 65 million dollars, it has been determined that this trip is a prudent measure and funding for the trip will be out of the BAMA Water Unlit account.

No action was taken or required.

#### 11. Preview Ordinances

A. None

#### 12. Ordinances

Section Minutes: Mr. Skates reviewed the details provided in the Fact Sheets in the agenda packet for these ordinances.

Motion: Move to adopt Ordinance Nos. 3066, 3007, and 3068

Motion by: Philip Tucker

Second by: Richard Carter

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

Nays: None

Motion: Move to adopt the Emergency Clauses for Ordinance Nos. 3066, 3067 and 3068

Motion by: Philip Tucker

Second by: Richard Carter

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

Nays: None

A. Adopt Ordinance No. 3066 amending Section 5.7F Banner, temporary, mobile, inflatable, or promotional business signs of the Zoning Ordinance No. 293 I) of the City of Broken Arrow, Oklahoma. Common Development Review Procedures: repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. Adopt Ordinance No. 3067 amending Section 6.4.D. Step I I Lapse) of the Zoning Ordinance No. 2931) of the City of Broken Arrow, Oklahoma, related to the expiration of Planned United Development Approvals: repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Broken Arrow City Council Agenda Page 5 of 7 December I, 2009

- C. Adopt Ordinance No. 3068 adding Section 6.2.D.3(b) Mailed Notice and amending Section 6.2.D.4. of the Zoning Ordinance (No. 2931) of the City of Broken Arrow, Oklahoma. Common Development Review Procedures: repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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

**Section Minutes:** Councilor McCaleb said the United Way Campaign is over and wished to commend the generosity of City employees in these difficult economic times for helping the City to be the second highest fund raiser in the 2009 United Way campaign.

At 7:36 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority (BAMA) meeting which will be followed by the Broken Arrow Economic Development Authority (BAEDA) meeting.

<b>Motion:</b>	<b>Move to take recess in order to enter into BAMA followed by BAEDA</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Philip Tucker, Craig Thummond, Richard Carter, Mike Lester
<b>Nays:</b>	None

Mayor Lester reconvened the regular Council meeting at 7:39 p.m.

Mayor Lester asked for a motion to take a short break prior to entering into Executive Session while the room is cleared.

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

Mayor Lester reconvened the regular Council meeting at 7:45 p.m.

<b>Motion:</b>	<b>Move to enter into Executive Session</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Philip Tucker, Craig Thummond, Richard Carter, Mike Lester
<b>Nays:</b>	None

- 14. Executive Session** for the purpose of confidential communications between the City Council, the Acting City Manager and the City Attorney, for the purpose of conferring on economic development, which may include the transfer of property, financing, or the creation of a proposal to entice a business to locate within the City, for property located near the Creek Turnpike and New Orleans under 25 O.S. § 307(C)(10), and in open session taking any appropriate action as necessary; discussions of a settlement offer involving City of Broken Arrow, Oklahoma v. Helen M. Blankenship, Trustee of the Helen M. Blankenship Living Trust, Tulsa County District Court Case Number CJ-2008-01125 under 25 O.S. § 307(B)(4) and appropriate action in open session; discussing and reviewing prospective candidates for the position of City Manager, under 25 O.S. § 307(B)(1), and in open session taking any appropriate action as necessary, including direction to schedule interviews; and discussing the employment of David L. Wooden and taking appropriate action as necessary in open session, under 25 O.S. § 307(B)(1). The Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest and public disclosure of the economic development activity would violate the confidentiality of the business. 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 Council meeting at 7:58 p.m., and the room was opened for those attending the public portion of the meeting.

C. Adopt Ordinance No. 3068 adding Section 6.2.D.3(b) Mailed Notice and amending Section 6.2.D.4. of the Zoning Ordinance No. 293 I) of the City of Broken Arrow, Oklahoma. Common Development Review Procedures: repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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

Section Minutes: Councilor McCaleb said the United Way Campaign is oner and wished to commend the generosity of City employees in these difficult economic times for helping the City to be the second highest fund raiser in the 2009 United Way campaign.

At 7:36 p.m.. Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority (BAMA) meeting which will be followed by the Broken Arrow Economic Development Authority (BAEDA) meeting.

Motion: Move to take recess in order to enter into BAMA followed hv BAEDA

Motion by: Philip Tucker

Second by: Richard Carter

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

Nays: None

Mayor Lester reconvened the regular Council meeting at 7:39 p.m.

Mayor Lester asked for a motion to take a short break prior to entering into Executive Session while the room is cleared.

Motion: Move to take a short break prior to entering into Executive Session

Motion by: Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

Mayor Lester reconvened the regular Council meeting at 7:45 p.m.

Motion: Move to enter into Executive Session

Motion by: Philip Tucker

Second by: Richard Carter

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

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the Acting City Manager and the City Attorney, for the purpose of conferring on economic development, which may include the transfer of property, financing, or the creation of a proposal to entice a business to locate within the City, for property located near the Creek Turnpike and New Orleans under 25 O.S. 307(C)(10), and in open session taking any appropriate action as necessary: discussions of a settlement offer involving City of Broken Arrow, Oklahoma N. Helen M. Blankenship, Trustee of the Helen M. Blankenship Living Trust, Tulsa County District Court Case Number CJ-2008-01 125 under 25 O.S. 307(B)(4) and appropriate action in open session: discussing and reviewing prospective candidates for the position of City Manager, under 25 O.S. 307(B)(I) and in open session taking any appropriate action as necessary, including direction to schedule interviews: and discussing the employment of David L. Wooden and taking appropriate action as necessary in open session, under 25 O.S. 307(B)(I) The Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest and public disclosure of the economic development activity would violate the confidentiality of the business. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a Note.

Mayor Lester reconvened the regular Council meeting at 7:5 p.m., and the room was opened for those attending the public portion of the meeting.

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Mayor Lester returned to Item 9A which was tabled by Council in order to discuss the matter in Executive Session. Council now considered Item 9A.

Upon completion of business relating to Item 9A, Council returned to consideration of other business for action after Executive Session.

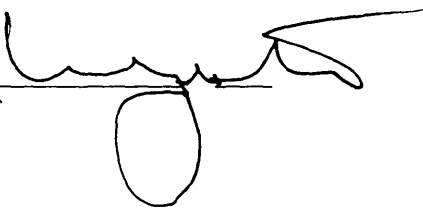
<b>Motion:</b>	<b>Move to authorize the Acting City Manager to continue discussions for a possible economic development activity in the area of the Creek Turnpike and New Orleans Street (101<sup>st</sup> Street).</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None


<b>Motion:</b>	<b>Move to reject the settlement offer of the landowners in the case of City of Broken Arrow v. Blankenship</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
<b>Nays:</b>	None

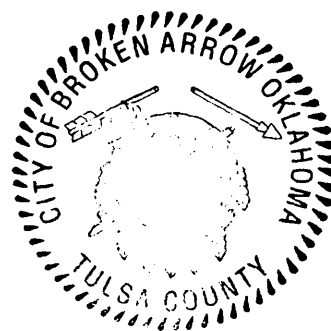
**15. Adjournment**

**Section Minutes:** The meeting adjourned at 8:02 p.m.

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

  
 \_\_\_\_\_  
 Mayor

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



Mayor Lester returned to Item 9A which was tabled by Council in order to discuss the matter in Executive Session. Council now considered Item 9A.

Upon completion of business relating to Item 9A, Council returned to consideration of other business for action after Executive Session.

Motion: Move to authorize the Acting City Manager to continue discussions for a possible economic development activity in the area of the Creek Turnpike and New Orleans Street 101st Street).

Motion b Philip Tucker

Second b Craig Thurmond

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

Nays: None

Motion: Move to reject the settlement offer of the landowners in the case of City of Broken Arrow v. Blankenship

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at 8:02 p.m.

Motion: Move to adjourn

Motion b Philip Tucker

Second b Craig Thurmond

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

Nays: None

Attest:

Mayor

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