

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
May 19, 2009**

6:30 PM

1. Call to Order

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

2. Invocation

Section Minutes: Reverend Danny Burton, Christ Ministries, delivered the Invocation.

3. Roll Call

Present:	Craig Thurmond, Philip Tucker, Richard Carter, Wade McCaleb and Mike Lester
Absent:	None

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Section Minutes: Items 5C, 5D, and 5H were removed from the Consent Agenda. Mayor Lester asked for a motion to approve the consent agenda except for Items 5C, 5D, and 5H.

Motion:	Move to approve the Consent Agenda except Items 5C, 5D and 5H
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Philip Tucker, Wade McCaleb, Mike Lester
Nays:	None

- A. Approval of the regular meeting minutes of May 5, 2009
- B. Acceptance of the minutes of the Planning Commission meeting held April 23, 2009.
- C. Approval of Policy for Programming the Sales Tax Capital Improvement Fund
- D. Approval of Policy for Purchase of Vehicles and Equipment that costs over \$15,000
- E. Approval of a use agreement with the Broken Arrow Historical Society
- F. Approval of bids received and award of the most advantageous bid for the Police Department Shoot House concrete foundation slab

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Motion: Move to approve the Consent Agenda except Items 5C, 5D and 5H

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

A. Approval of the regular meeting minutes of May 5, 2009

B. Acceptance of the minutes of the Planning Commission meeting held April 23, 2009.

C. Approval of Policy for Programming the Sales Tax Capital Improvement Fund

D. Approval of Policy for Purchase of Vehicles and Equipment that costs over \$15,000

E. Approval of a use agreement with the Broken Arrow Historical Society

F. Approval of bids received and award of the most advantageous bid for the Police Department Shoot House concrete foundation slab

Broken Arrow City Council Agenda Page 1 of 9 May 19, 2009

- G. Approval of PT08-115, conditional final plat, The Villas at Country Lane, 32.05 acres, 2 lots, RM/PUD 189, north of Albany Street (61ST Street), and one-quarter mile west of 9th Street (Lynn Lane/177th East Avenue)
- H. Approval of PUD 201, 31.09 acres, and BAZ 1827, 25.08 acres, Hartford Park II & III, A-1 to RS-3, one-quarter mile north of Omaha Street, west of 37th Street (209th East Avenue)
- I. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5C. Approval of Policy for Programming the Sales Tax Capital Improvement Fund

Item Minutes: Councilor McCaleb asked if projects are still being presented in the budget. City Manager, Jim Twombly, said the projects will be presented at the budget meeting on May 20th. He said this budget does not change that it only addresses some policy matters.

Motion:	Move to approve policy for programming the sales tax capital improvement fund
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

5D. Approval of Policy for Purchase of Vehicles and Equipment that costs over \$15,000

Item Minutes: Mayor Lester and Councilor McCaleb asked about vehicle reuse policy. Assistant City Manager, Mr. Dave Wooden, said the City can get good money for resale of vehicles. Councilman Thurmond pointed out that it is important to keep our emergency vehicles in top condition. Mr. Wooden said that there are also back up vehicles in case an emergency vehicle breaks down.

Mr. Wooden explained that the quality of vehicles purchased has increased as has the cost of those vehicles. He said the current vehicle replacement program is based on years of service, number of hours worked or number of miles driven, and this type of policy does not effectively fit the city's current fleet which ranges from police cars to dump trucks, from fire engines to excavators, and from ambulances to asphalt machines. Mr. Wooden said this diversity makes a time or mileage based replacement system very difficult to manage, and a policy that takes into account the quality of the vehicle and obtains maximum use at minimum cost would be in the best interests of the employees and the citizens. He added that the attached policy is based on the cost of maintaining a piece of equipment or vehicle in good working condition, and the replacement criteria centers on maintenance costs but also allows for replacement of a vehicle that has had an unacceptable level of down time for repairs

Motion:	Move to approve policy for purchase of vehicles and equipment that costs over \$15,000.00
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

G. Approval of PT08-115, conditional final plat, The Villas at Country Lane, 32.05 acres, 2 lots, RM/PUD 189, north of Albany Street 61ST Street), and one-quarter mile west of 9th Street Lynn Lane/ 177th East Avenue)

H. Approval of PUD 201, 31.09 acres, and BAZ 1827, 25.08 acres, Hartford Park II & III, A-I to RS-3, one-quarter mile north of Omaha Street, west of 37th Street 209th East Avenue)

1. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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Item Minutes: Councilor McCaleb asked if projects are still being presented in the budget. City Manager, Jim Twombly, said the projects will be presented at the budget meeting on May 20th. He said this budget does not change that it only addresses some policy matters.

Motion: Move to approve policy for programming the sales tax capital improvement fund

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

5D. Approval of Policy for Purchase of Vehicles and Equipment that costs over \$15,000

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Mr. Wooden explained that the quality of vehicles purchased has increased as has the cost of those vehicles. He said the current vehicle replacement program is based on years of service, number of hours worked or number of miles driven, and this type of policy does not effectively fit the city's current fleet which ranges from police cars to dump trucks, from fire engines to excavators, and from ambulances to asphalt machines. Mr. Wooden said this diversity makes a time or mileage based replacement system very difficult to manage, and a policy that takes into account the quality of the vehicle and obtains maximum use at minimum cost would be in the best interests of the employees and the citizens. He added that the attached policy is based on the cost of maintaining a piece of equipment or vehicle in good working condition, and the replacement criteria centers on maintenance costs but also allows for replacement of a vehicle that has had an unacceptable level of down time for repairs

Motion: Move to approve policy for purchase of vehicles and equipment that costs over \$15,000.00

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Broken Arrow City Council Agenda Page 2 of 9 May 19, 2009

- 5H. Approval of PUD 201, 31.09 acres, and BAZ 1827, 25.08 acres, Hartford Park II & III, A-1 to RS-3, one-quarter mile north of Omaha Street, west of 37th Street (209th East Avenue)

Item Minutes: Councilor Thurmond requested this item be removed from the Consent Agenda due to a conflict. He left the room during consideration of this item.

Motion:	Move to approve PUD 201, 31.09 acres, and BAZ 1827, 25.08 acres, Hartford Park II & III, A-1 to RS-3, one-quarter mile north of Omaha Street, west of 37th Street (209th East Avenue)
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

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

- A. Presentation: Consideration of and possible action concerning Cox Communications' annual performance evaluation

Item Minutes: Mr. Leon Pfifer, Government Relations Director for Cox Communications, was present to present the report. He said that 2009 was a good year as reflected in the report attached to the Fact Sheet in the agenda packet. He summarized Cox's achievements in 2009, saying that Cox is the only provider offering free HD T.V.; that Cox offers 450 HD choices; that Cox provides the fastest internet service and is the number 1 internet provider in Broken Arrow. Mr. Pfifer said that Cox completed the third fiber optics upgrade in Broken Arrow and that all construction projects are on schedule. Mr. Pfifer said that Cox has had no staff cutbacks due to the economy, and plans to add additional services over the coming months such as caller ID that appears on the T.V. screen of Cox phone customers. Mr. Pfifer added that each quarter, Cox does a customer survey and the 2009 survey showed a 90% favorable response from customers. He said that Cox is the most chosen provider in Broken Arrow.

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

Section Minutes: Ms. Ann Gaebe from the Broken Arrow Public Library, informed Council and those in attendance about the 2009 Summer Reading Program. Ms. Gaebe said the Mayor of Sand Springs issued the 2nd annual Reading Cup Challenge this year to surrounding cities. Ms. Gaebe said last year, 6000 kids participated. She presented Mayor Lester with a yard sign encouraging participation in the Summer Reading Program.

9. General Council Business

- A. Approval of bids received and award of the most advantageous bid to the second low bidder, 4th Gen Contractors, LLC, for Elm Place Extension: FAA Site - Omaha Street, and specifically find that the interest of the citizens of Broken Arrow will be served by award to the second low bidder

Item Minutes: Mr. Wooden presented this item consistent with the Fact Sheet provided in the agenda packet. He briefly explained that Ira M. Green Construction Company was the low bidder at \$1,728,401.85 for the base bid (asphalt roadway) and \$55,405.06 for Additive

5H. Approval of PUD 201, 31.09 acres, and BAZ 1827, 25.08 acres, Hartford Park II & III, A-1 to RS-3, one-quarter mile north of Omaha Street, west of 37th Street 209th East Avenue)

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Motion: Move to approve PUD 201, 31.09 acres, and BAZ 1827, 25.08 acres, Hartford Park 11 & III, A-1 to RS-3, one-quarter mile north of Omaha Street, west of 37'x' Street 209tx' East Avenue)

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

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Broken Arrow City Council Agenda Page 3 01'9 May 19. 2009

Alternate No. 1, for a total of \$1,783,806.91. He added that the second low bidder, 4th Gen Contractors, LLC, bid \$1,736,663.25 for an alternate Portland Cement Concrete (PCC) roadway section. The second low bidder bid \$50,550.00 for Additive Alternate No. 1, for a total of \$1,787,213.25. He stated that an addendum to the bid documents allowed an alternate for construction of a concrete roadway.

Mr. Wooden said that for a first cost difference of \$3,406.34 between the low bid and the second low bid, the City could obtain a more durable roadway that would reduce maintenance costs over the life of the roadway. He said that staff recommends that the construction contract for the base bid plus the additive alternate be awarded to the second low bidder, 4th Gen Contractors, LLC., in the amount of \$1,787,213.25.

Motion:	Move to approve bids received and award of the most advantageous bid to the second low bidder, 4th Gen Contractors, LLC, for Elm Place Extension: FAA Site - Omaha Street, and specifically find that the interest of the citizens of Broken Arrow will be served by award to the second low bidder
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- B. Approval of nominations to fill five (5) lay member positions to serve on the Judicial Nominating Committee

Item Minutes: City Attorney, Beth Anne Wilkening, presented this item consistent with the Fact Sheet provided in the agenda packet. She said this item was tabled at the May 5th Council meeting and this item now requests that the following individuals, each nominated by the Councilor from the respective Ward, be nominated to fill the 5 lay positions:

- Ward 1 - Donald Roulet
- Ward 2 - Tom Chatterton
- Ward 3 - Carolyne Isbell-Carr
- Ward 4 - Archer Honea
- At-Large - Chuck D. Stophel

Motion:	Move to approve nomination Donald Roulet, Tom Chatterton, Carolyne Isbell-Carr, Archer Honea and Chuck Stophel to fill the five lay positions on the Judicial Nominating Committee
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- C. Approval of nominations and removal of Members to the Low Impact Development Committee

Item Minutes: Mayor Lester presented this item consistent with the Fact Sheet contained in the agenda packet.

Motion:	Move to approve nominations and removal of members to the Low
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Motion: Move to approve bids received and award of the most advantageous bid to the second low bidder, 4th Gen Contractors, LLC, for Elm Place Extension: FAA Site Omaha Street, and specifically find that the interest of the citizens of Broken Arrow will be served by award to the second low bidder

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

B. Approval of nominations to fill five 5) lay member positions to serve on the Judicial Nominating Committee

Item Minutes: City Attorney, Beth Anne Wilkening, presented this item consistent with the Fact Sheet provided in the agenda packet. She said this item was tabled at the May 5th Council meeting and this item now requests that the following individuals, each nominated by the Councilor from the respective Ward, be nominated to fill the 5 lay positions:

Ward I Donald Roulet

Ward 2 Tom Chatterton

Ward 3 Carolyne Isbell-Carr

Ward 4 Archer Honea

At-Large Chuck D. Stophel

Motion: Move to approve nomination Donald Roulet, Tom Chatterton, Carolyne Isbell-Carr, Archer Honea and Chuck Stophel to fill the five lay positions on the Judicial Nominating Committee

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

C. Approval of nominations and removal of Members to the Low Impact Development Committee

Item Minutes: Mayor Lester presented this item consistent with the Fact Sheet contained in the agenda packet.

Motion:

Move to approve nominations and removal of members to the Low
Broken Arrow City Council Agenda Page 4 of 9 May 19, 2009

	Impact Development Committee as presented
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Wade McCaleb, Mike Lester
Nays:	None
Abstain:	Craig Thurmond

- D. Approval of the reappointment of Stanley Evetts to fill one of the two vacancies on the Board of Adjustment.

Item Minutes: Development Services Director, Michal Skates, presented this item consistent with the Fact Sheet provided in the agenda packet. He added that Mr. Evetts' nomination was approved at the May 5th Council meeting and this item requests approval of his re-appointment.

Motion:	Move to approve the reappointment of Stanley Evetts to fill one of the two vacancies on the Board of Adjustment
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Wade McCaleb, Craig Thurmond, Philip Tucker, Mike Lester, Richard Carter
Nays:	None

- E. Approval of waiver for TNT Fireworks to continue operating a fireworks stand from June 15 to July 4, 2009 at 15604 East 101st Street, Broken Arrow in accordance with City Code, Ordinance No. 2561

Item Minutes: Mr. Twombly presented this item consistent with the Fact Sheet contained in the agenda packet. He stated that TNT Fireworks is requesting their fifth and final year waiver for operation of the fireworks stand at 15604 East 101st Street. He stated that this vender meets all requirements for the waiver.

Motion:	Move to approve the waiver for TNT Fireworks to continue operating a fireworks stand from June 15 to July 4, 2009 at 15604 East 101st Street, Broken Arrow in accordance with City Code, Ordinance No. 2561
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- F. Consideration of an Option to Purchase between the City of Broken Arrow and Roland Investments, Ltd. for proposed conference center site located North of Albany and East of Elm Place

Item Minutes: Mr. Twombly presented the details pertaining to this item consistent with the Fact Sheet provided in the agenda packet. He provided a summary of the details and stated that the attached agreement constitutes an Option on 10.71 acres. He said the Agreement provides that the City must give notice if it wants to exercise its option to purchase this land

Impact Development Committee as presented

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

Abstain: Craig Thurmond

D. Approval of the reappointment of Stanley Evetts to fill one of the two vacancies on the Board of Adjustment.

Item Minutes: Development Services Director, Michal Skates, presented this item consistent with the Fact Sheet provided in the agenda packet. He added that Mr. Evetts' nomination was approved at the May 5th Council meeting and this item requests approval of his re-appointment.

Motion: Move to approve the reappointment of Stanley Evetts to fill one of the two vacancies on the Board of Adjustment

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

E. Approval of waiver for TNT Fireworks to continue operating a fireworks stand from June 15 to July 4, 2009 at 15604 East 101st Street, Broken Arrow in accordance with City Code, Ordinance No. 2561

Item Minutes: Mr. Twombly presented this item consistent with the Fact Sheet contained in the agenda packet. He stated that TNT Fireworks is requesting their fifth and final year waiver for operation of the fireworks stand at 15604 East 101st Street. He stated that this vender meets all requirements for the waiver.

Motion: Move to approve the waiver for TNT Fireworks to continue operating a fireworks stand from June 15 to July 4, 2009 at 15604 East 101st Street, Broken Arrow in accordance with City Code, Ordinance No. 2561

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

F. Consideration of an Option to Purchase between the City of Broken Arrow and Roland Investments, Ltd. for proposed conference center site located North of Albany and East of Elm Place

Item Minutes: Mr. Twombly presented the details pertaining to this item consistent with the Fact Sheet provided in the agenda packet. He provided a summary of the details and stated that the attached agreement constitutes an Option on 10.71 acres. He said the Agreement provides that the City must give notice if it wants to exercise its option to purchase this land

on or before October 1st of this year and requires a closing on or before October 30th. Mr. Twombly added that as consideration for this Option, the City agrees to place the sum of \$500,000.00 in escrow; and, if the City Council fails to approve funding for construction of the Conference Center, if Mr. Roland fails to actively work towards resolution of the three identified contracts, or if the City fails to enter into a binding agreement with Stoney Creek for purchase of approximately 3.43 acres of the subject property, the Option becomes immediately null and void. In this case, Mr. Roland must execute a release of the option consideration to the City within ten (10) days of written notice.

Motion:	Move to approve an Option to Purchase between the City of Broken Arrow and Roland Investments, Ltd. for proposed conference center site located North of Albany and East of Elm Place
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

10. City Manager’s Report

A. Green Plan - Real Estate and New Facilities

Item Minutes: Mr. Twombly said that putting in place a Green Plan for the City is part of Council's Strategic Goals for Broken Arrow. He added that 4 of the 6 committees have presented reports to Council and this evening, the last 2 reports will be presented. Mr. Twombly said that each of the six committees has generated an initial plan of action and the next step in the process will be to create benchmarks to measure the city's progress. Mr. Kenny Schwab, Engineering Director, presented the “Construction of New Facilities Green Plan” Committee report, and Mr. Steve Arant, Streets/Stormwater Director, presented “Real Estate Maintenance (other than buildings) Green Plan” Committee report.

11. Preview Ordinances

Section Minutes: The vote for Items 11A, 11B, 11C, and 11D were taken together.

Motion:	Move to approve
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond
Nays:	None

A. An ordinance amending the Broken Arrow Building Code, Chapter 6, repealing all ordinances to the contrary and declaring an emergency.

Item Minutes: Mr. Skates stated that this preview updated the respective ordinance as indicated in the Fact Sheet provided in the agenda packet. He said this amendment makes some corrections to scrivener's errors, reduces the number of monthly bills mailed out by putting the 'Click-to-Gov' system in place to allow credit payments and this in turn will allow more efficient collection of fees. He said the amendment allows moving some of the itinerant vendor fees to Ordinance 3037 where these items need to be.

B. An ordinance amending the Broken Arrow Business License Code, Chapter 7, Article I; repealing all ordinances to the contrary and declaring an emergency.

on or before October 1 st of this year and requires a closing on or before October 30th. Mr. Twombly added that as consideration for this Option, the City agrees to place the sum of \$500,000.00 in escrow, and, if the City Council fails to approve funding for construction of the Conference Center, if Mr. Roland fails to actively work towards resolution of the three identified contracts, or if the City fails to enter into a binding agreement with Stoney Creek for purchase of approximately 3.43 acres of the subject property, the Option becomes immediately null and void. In this case, Mr. Roland must execute a release of the option consideration to the City within ten (10) days of written notice.

Motion: Move to approve an Option to Purchase between the City of Broken Arrow and Roland Investments, Ltd. for proposed conference center site located North of Albany and East of Elm Place

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

10. City Manager's Report

A. Green Plan Real Estate and New Facilities

Item Minutes: Mr. Twombly said that putting in place a Green Plan for the City is part of Council's Strategic Goals for Broken Arrow. He added that 4 of the 6 committees have presented reports to Council and this evening, the last 2 reports will be presented. Mr. Twombly said that each of the six committees has generated an initial plan of action and the next step in the process will be to create benchmarks to measure the city's progress. Mr. Kenny Schwab, Engineering Director, presented the Construction of New Facilities Green Plan" Committee report, and Mr. Steve Arant, Streets/Stormwater Director, presented Real Estate Maintenance other than buildings) Green Plan" Committee report.

11. Preview Ordinances

Section Minutes: The vote for Items 1 1 A, 1 1 B, 1 1 C, and 1 1 D were taken together.

Motion: Move to approve

Motion b Philip Tucker

Second b Craig Thurmond

Ayes: Philip Tucker, Craig Thurmond

Nays: None

A. An ordinance amending the Broken Arrow Building Code, Chapter 6, repealing all ordinances to the contrary and declaring an emergency.

Item Minutes: Mr. Skates stated that this preview updated the respective ordinance as indicated in the Fact Sheet provided in the agenda packet. He said this amendment makes some corrections to scrivener's errors, reduces the number of monthly bills mailed out by putting the Click-to-Gov' system in place to allow credit payments and this in turn will allow more efficient collection of fees. He said the amendment allows moving some of the itinerant vendor fees to Ordinance 3037 where these items need to be.

B. An ordinance amending the Broken Arrow Business License Code, Chapter 7, Article 1, repealing all

ordinances to the contrary and declaring an emergency.

Broken Arrow Cit\ Council Agenda Page 6 01' 9 May 19. 2009

Item Minutes: Mr. Skates stated this amendment updates the ordinance as indicated in the Fact Sheet provided in the agenda packet.

- C. An ordinance amending Chapter 14, Article I, Sections 14-6 and 14-6.1 of the Broken Arrow City Code pertaining to the establishment of the Judicial Nominating Committee and selection of judges; repealing all ordinances to the contrary; and declaring an emergency.

Item Minutes: Ms. Wilkening stated that this amendment updates the Ordinance as indicated in the Fact Sheet provided in the agenda packet. She added that section 14-6.1 which addresses the selection of judges currently provides that the Committee must meet 180 days prior to the expiration of the term of the Presiding and Alternate Judges. Ms. Wilkening said this timeframe has been somewhat unworkable in the past and the proposed amendment reduces the timeframe to sixty days. Ms. Wilkening added that the amendment simplifies the process to make it more efficient.

- D. An ordinance closing an easement located on lot 1 block 1, Silvertree Park

Item Minutes: Mr. Skates presented this item consistent with the Fact Sheet provided in the agenda packet, stating that staff recommends approval of the request to close the dedicated easement as they do not interfere with stormwater or any of the public utilities.

12. Ordinances

Section Minutes: Ms. Wilkening said there were no changes to Ordinances 3036, 3037, and 3039 since previewed at the May 5, 2009 meeting.

Councilman McCaleb asked that the vote for Ordinance 3036 be taken separately.

Motion:	Move to adopt ordinances 3036
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	Wade McCaleb

Motion:	Move to adopt the emergency clause for ordinances 3036
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	Wade McCaleb

Motion:	Move to adopt ordinances 3037 and 3039
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

Motion:	Move to adopt the emergency clause for ordinances 3037 and 3039
Motion by:	Philip Tucker
Second by:	Richard Carter

Item Minutes: Mr. Skates stated this amendment updates the ordinance as indicated in the Fact Sheet provided in the agenda packet.

C. An ordinance amending Chapter 14, Article I, Sections 14-6 and 14-6.1 of the Broken Arrow City Code pertaining to the establishment of the Judicial Nominating Committee and selection of judges, repealing all ordinances to the contrary, and declaring an emergency.

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Item Minutes: Mr. Skates presented this item consistent with the Fact Sheet provided in the agenda packet, stating that staff recommends approval of the request to close the dedicated easement as they do not interfere with stormwater or any of the public utilities.

12. Ordinances

Section Minutes: Ms. Wilkening said there were no changes to Ordinances 3036, 3037, and 3039 since previewed at the May 5, 2009 meeting.

Councilman McCaleb asked that the vote for Ordinance 3036 be taken separately.

Motion: Move to adopt ordinances 3036

Motion b Philip Tucker

Second b Richard Carter

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

Nays: Wade McCaleb

Motion: Move to adopt the emergency clause for ordinances 3036

Motion b Philip Tucker

Second b Richard Carter

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

Nays: Wade McCaleb

Motion: Move to adopt ordinances 3037 and 3039

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

Motion: Move to adopt the emergency clause for ordinances 3037 and 3039

Motion b Philip Tucker

Second b Richard Carter

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

- A. Ordinance No. 3036 An Ordinance amending Chapter 12, Article II. of the Broken Arrow Code, collection by City, Section 12-25, Charges generally; minimum rate charge; monthly rates for residential customers; repealing all ordinances to the contrary; providing for severability and declaring an emergency
- B. Ordinance No. 3037 An Ordinance amending the Broken Arrow Code Section 10-3, Prohibiting the Manufacture, Sale, and Use of Fireworks within the City; providing for conditions for the permits; providing for penalties; requiring adult supervision in the use of permits; and repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Mr. Skates said Ordinance No. 3037 provides clarification and will notify the public that the sale of permits will occur only during regular office hours, which excludes holidays.

- C. Ordinance No. 3039 An Ordinance amending the Broken Arrow Nuisance Code, Chapter 15; Repealing all ordinances to the contrary, and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

There were no remarks or inquiries.

Motion:	Move to recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

Mayor Lester reconvened the regular meeting at 7:40 p.m.

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

Mayor Lester reconvened the regular meeting at 7:50 p.m.

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

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager, Human Resources Manager and the City's Attorney for the

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

Nays: None

A. Ordinance No. 3036 An Ordinance amending Chapter 12, Article II. of the Broken Arrow Code, collection by City, Section 12-25, Charges generally, minimum rate charge; monthly rates for residential customers, repealing all ordinances to the contrary, providing for severability and declaring an emergency

B. Ordinance No. 3037 An Ordinance amending the Broken Arrow Code Section 10-3, Prohibiting the Manufacture, Sale, and Use of Fireworks within the City, providing for conditions for the permits, providing for penalties, requiring adult supervision in the use of permits, and repealing all ordinances to the contrary, and declaring an emergency

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13. Remarks and Inquiries by Governing Body Members

There were no remarks or inquiries.

Motion: Move to recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

Mayor Lester reconvened the regular meeting at 7:40 p.m.

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

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Mayor Lester reconvened the regular meeting at 7:50 p.m.

Motion: Move to enter into Executive Session

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager, Human Resources Manager and the City's Attorney for the Broken Arrow City Council Agenda Page 9 of,9 May 19, 2009

purpose of conferring on, discussing and taking possible action on contract negotiations concerning negotiations with the IAFF, CWA and FOP employee groups under 25 O.S. § 307(B)(2). After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Lester reconvened the regular session at 8:08 p.m.

Motion:	Move to authorize the Assistant City Manager to proceed as directed with regard to negotiations with the CWA, IAFF and FOP
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

No further action was required or taken.

15. Adjournment

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

The meeting adjourned at 8:09 p.m.

Mayor

City Clerk

purpose of conferring on, discussing and taking possible action on contract negotiations concerning negotiations with the IAFF, CWA and FOP employee groups under 25 O.S. 307(B)(2). After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Lester reconvened the regular session at 8:08 p.m.

Motion: Move to authorize the Assistant City Manager to proceed as directed with regard to negotiations with the CWA, IAFF and FOP

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

No further action was required or taken.

15. Adjournment

Motion: Move to adjourn

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

The meeting adjourned at 8:09 p.m.

Mayor City Clerk

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