



INTEROFFICE MEMO

To: Honorable Mayor and City Councilors
From: Thomas M. Moton, Jr., City Manager
Date: May 2, 2014
Re: Notes to Council

1. STAFF REPORTS / ITEMS REQUIRING IMMEDIATE ATTENTION

Memos:

- Thomas M. Moton, Jr., City Manager
 - Conference Center and STCI
- Jeff Jenkins, Assistant City Manager
 - Sales Tax Performance Analysis
 - 2014 GO Bond Street Package
- Norm Stephens, Assistant to the City Manager/Economic Development Coordinator
 - Right of Way Ordinance in the Rose District

Letter:

- Letter to Mr. John Herndon, President of First National Bank
 - Broken Arrow Hospital Authority Account

2. GENERAL CORRESPONDENCE / NOTIFICATION

Press Releases:

- Krista Flasch, Director of Communications
 - Plan Identified to Replace City's Outdoor Storm Sirens
 - Work Begins on 2014 Streets Preservation Projects
- Sgt. Ed Ferguson, Broken Arrow Traffic Specialist Unit
 - Tuscon Construction Closure Planned

Agenda:

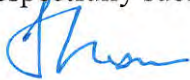
- The Metropolitan Environmental Trust Meeting Agenda for May 1, 2014

3. SPECIAL EVENTS / ACTIVITIES

Event:

- Broken Arrow Rose Show, Festival & Gala May 17, 2014 at Nienhuis Park

Respectfully submitted,



Thomas M. Moton, Jr.

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Attachments

1. STAFF REPORTS / ITEMS REQUIRING IMMEDIATE ATTENTION



MEMORANDUM

To: Honorable Mayor Craig Thurmond
Councilwoman Jill Norman
Beth Ann Wilkening, City Attorney
Jim Beavers, BAEDC
Wes Smithwick, BAEDC President/CEO

From: Thomas M. Moton, Jr., City Manager

Date: April 29, 2014

Re: Conference Center and STCI

This memo is a follow-up to certain questions and comments made during the April 25 Conference Center meeting at the Chamber of Commerce offices. Those in attendance included:

- Mayor Thurmond
- Councilwoman Norman
- City Attorney Wilkening
- Jim Beavers, BAEDC Chair
- Wes Smithwick, BAEDC President/CEO
- Phil Roland, Roland Investments
- Larry Taylor
- Mike Parrish

One topic of discussion that arose during the meeting was what source(s) of funds are available to purchase either the first tract (\$4.0M) or the entire parcel (\$6.5M). To the best of my knowledge the City's emergency reserve funds have not been sufficient to cover that expense without severely reducing the City's General Fund reserves. Throughout my participation in analyses and discussions about purchasing the land, I have tried to be clear that debt financing or Vision 2025 funds seemed to be most viable options. As it relates to debt financing, the feasible course of action in my opinion appeared to be:

- 1) Revote (repurpose) 2004 GO bonds – \$6.5 M to not include construction of 50,000sf facility
- 2) Increase hotel occupancy tax to finance a portion of the debt needed to purchase the land.
- 3) Combine the private debt financing of Project Green with the debt financing of the hotel/conference center land purchase.
- 4) A lesser desirable option is extending the 1/8 cents sales tax as the Target loan after it expires December 2014.

One option that I stated on April 25 was to use Sales Tax Capital Improvement funds as a source of funding to commit for the purchase contract (funds dedicated for only capital use and cannot be used to fund General Government operations). I further added that my recommendation would be for the City Council to pass a reimbursement resolution that would allow the City to replace the STCI dollars upon passage of the 2004 GO bonds being repurposed; or following use of revenue bonds to finance all or some portion of the purchase price. When asked how much money is in the STCI fund balance, I stated between \$6M to \$8M. According to the City's annual financial report, the STCI fund balance on June 30, 2103, was \$6,834,423.

Below are the prior three fiscal year's STCI fund balance based on the City's annual financial report:

- FY as of June 30, 2012 - \$5,745,390
- FY as of June 30, 2011 - \$3,176,521
- FY as of June 30, 2010 - \$5,015,957

A copy of each of the above fiscal year's Balance Sheet (i.e., financial snapshot), and Statement of Revenues, Expenditures and Changes in Fund Balances (i.e., results of operation) are attached. These are the source documents I relied upon in the April 25 meeting and in the present circumstance.

As I stated, from a city manager perspective, there is a risk of executing a hotel/conference center purchase agreement using STCI fund balance in advance of having passage of the 2004 GO Bond repurposing or identification of another source of funds. Nonetheless sufficient funds are available in STCI to execute a purchase agreement with Roland Investments should that be the policy decision of the Mayor and City Council. My recommendation would be that the installment purchase agreement be over a four-year term. That is, if the hotel/conference center 2004 GO bond repurposing initiative fails to pass; the impact to the STCI will be significantly less or about \$1.0M per year, plus interest. Thus, the STCI fund balances remain healthy for other Mayor and City Council priorities. I do think it is ill advised for the City to enter into the contract contemplated without a source of funds identified and available in the event the preferred method (s) of purchasing do not come to fruition.

Contact me if you have any questions about this memo.

Respectfully submitted,



Thomas M. Moton, Jr.
City Manager

Attachment: Excerpts from FYE 2013, 2012, 2011 and 2010 Financial Statements

CITY OF BROKEN ARROW, OKLAHOMA

BALANCE SHEET

GOVERNMENTAL FUNDS

JUNE 30, 2013

	General Fund	Sales Tax Capital Improvement Fund	2004 General Obligation Bond Fund	2008 General Obligation Bond Fund	2011 General Obligation Bond Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
Assets								
Cash and cash equivalents	\$ 374,801	\$ 3,092,719	\$ 698,213	\$ 4,940,492	\$ 9,221,149	\$ 3,303,461	\$ 6,951,506	\$ 28,582,341
Investments	-	-	-	246,108	8,000,000	6,629,152	1,008,010	15,883,270
Taxes receivable, net	205,535	-	-	-	-	962,956	-	1,168,491
Due from other funds	4,565,519	2,900,000	-	-	-	-	-	7,465,519
Receivable from other governments	5,573,430	1,516,599	-	-	-	-	75,589	7,165,618
Accrued interest receivable	-	-	-	391	71,356	8,750	335	80,832
Other receivables, net	8,090,190	-	-	-	-	-	172,801	8,262,991
Prepaid expenses	13,838	-	-	-	-	-	-	13,838
Total assets	\$ 18,823,313	\$ 7,509,318	\$ 698,213	\$ 5,186,991	\$ 17,292,505	\$ 10,904,319	\$ 8,208,241	\$ 68,622,900
Liabilities and Fund Balances								
Liabilities								
Accounts payable	\$ 244,299	\$ 184,992	\$ 99,978	\$ 51,385	\$ 665,643	\$ -	120,718	\$ 1,367,015
Retainage payable	-	-	-	47,269	189,512	-	12,121	248,902
Accrued payroll	1,743,729	-	-	-	-	-	-	1,743,729
Accrued interest payable	-	-	-	-	-	36,960	-	36,960
Due to other funds	2,055,029	-	-	-	-	-	5,490	2,060,519
Payable to other governments	7,028	-	-	-	-	-	-	7,028
Amounts held in escrow	111,241	-	-	-	-	-	249,077	360,318
Total liabilities	4,161,326	184,992	99,978	98,654	855,155	36,960	387,406	5,824,471
Deferred inflows of resources								
Deferred revenue	7,269,676	489,903	-	391	71,356	638,203	62,465	8,531,994
Fund Balances								
Nonspendable	-	-	-	-	-	-	-	-
Restricted	1,453,700	6,834,423	598,235	5,087,946	16,365,994	10,229,156	5,955,057	46,524,511
Committed	-	-	-	-	-	-	1,752,238	1,752,238
Assigned	5,938,611	-	-	-	-	-	51,075	5,989,686
Unassigned	-	-	-	-	-	-	-	-
Total fund balances	7,392,311	6,834,423	598,235	5,087,946	16,365,994	10,229,156	7,758,370	54,266,435
Total liabilities, deferred inflows, and fund balances	\$ 18,823,313	\$ 7,509,318	\$ 698,213	\$ 5,186,991	\$ 17,292,505	\$ 10,904,319	\$ 8,208,241	\$ 68,622,900

CITY OF BROKEN ARROW, OKLAHOMA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2013

	General Fund	Sales Tax Capital Improvement Fund	2004 General Obligation Bond Fund	2008 General Obligation Bond Fund	2011 General Obligation Bond Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
Revenues:								
Property tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,175,853	\$ -	\$ 12,175,853
Sales and use taxes	30,989,138	5,808,673	-	-	-	-	-	36,797,811
Franchise and miscellaneous taxes	3,268,164	-	-	-	-	-	483,321	3,751,485
Licenses and permits	941,599	-	-	-	-	-	-	941,599
Intergovernmental	426,364	170,327	-	-	-	-	1,685,135	2,281,826
Charges for services	7,132,459	-	-	-	-	-	1,320,648	8,453,107
Fees and fines	1,551,551	-	-	-	-	-	23,795	1,575,346
Rental income	1,119,829	-	-	-	-	-	-	1,119,829
Interest income	19,161	7,589	1,848	18,848	77,996	60,763	7,818	194,023
Miscellaneous	151,653	31,671	-	-	-	-	172,919	356,243
Total revenues	45,599,918	6,018,260	1,848	18,848	77,996	12,236,616	3,693,636	67,647,122
Expenditures:								
Current:								
General government	7,922,325	-	-	-	-	-	341,104	8,263,429
Public safety	31,459,954	-	-	-	-	-	186,509	31,646,463
Public services	2,463,770	-	-	-	-	-	225,982	2,689,752
Parks and recreation	2,940,357	-	-	-	-	-	-	2,940,357
Debt service:								
Principal	780,000	695,000	-	-	-	9,130,717	-	10,605,717
Interest and other charges	972,781	68,683	-	-	-	3,363,748	-	4,405,212
Capital outlay	-	4,165,544	2,069,066	4,075,179	5,504,121	-	1,541,585	17,355,495
Total expenditures	46,539,187	4,929,227	2,069,066	4,075,179	5,504,121	12,494,465	2,295,180	77,906,425
Excess (deficiency) of revenues over expenditures	(939,269)	1,089,033	(2,067,218)	(4,056,331)	(5,426,125)	(257,849)	1,398,456	(10,259,303)
Other financing sources (uses):								
Proceeds from long-term debt, net	-	-	-	-	12,000,000	-	-	12,000,000
Bond premium	-	-	-	-	-	378	-	378
Bond issuance costs	-	-	-	-	(93,892)	-	-	(93,892)
Transfers in	12,890,819	-	-	-	-	-	-	12,890,819
Transfers out	(11,979,556)	-	-	-	-	(60,763)	(1,235,500)	(13,275,819)
Total other financing sources and (uses)	911,263	-	-	-	11,906,108	(60,385)	(1,235,500)	11,521,486
Net change in fund balances	(28,006)	1,089,033	(2,067,218)	(4,056,331)	6,479,983	(318,234)	162,956	1,262,183
Fund balances, beginning of year	7,420,317	5,745,390	2,665,453	9,144,277	9,886,011	10,547,390	7,595,414	53,004,252
Fund balances, end of year	\$ 7,392,311	\$ 6,834,423	\$ 598,235	\$ 5,087,946	\$ 16,365,994	\$ 10,229,156	\$ 7,758,370	\$ 54,266,435

See notes to the basic financial statements.

CITY OF BROKEN ARROW, OKLAHOMA

BALANCE SHEET

GOVERNMENTAL FUNDS

June 30, 2012

	General Fund	Sales Tax Capital Improvement Fund	2004 General Obligation Bond Fund	2008 General Obligation Bond Fund	2011 General Obligation Bond Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
Assets								
Cash and cash equivalents	\$ 1,146,509	\$ 1,071,668	\$ 2,900,237	\$ 7,549,280	\$ 8,074,920	\$ 2,724,078	\$ 6,828,398	\$ 30,295,090
Investments	-	-	-	3,018,704	2,000,000	7,844,291	\$ 1,005,500	13,868,495
Taxes receivable, net	146,759	-	-	-	-	1,360,244	-	1,507,003
Due from other funds	3,584,169	4,027,783	-	-	-	-	-	7,611,952
Receivable from other governments	5,754,080	1,554,611	-	-	-	-	78,586	7,387,277
Accrued interest receivable	-	-	-	4,571	6,712	7,532	310	19,125
Other receivables, net	5,719,800	-	-	-	-	-	144,287	5,864,087
Prepaid expenses	13,838	-	-	-	-	-	-	13,838
Total assets	\$ 16,365,155	\$ 6,654,062	\$ 2,900,237	\$ 10,572,555	\$ 10,081,632	\$ 11,936,145	\$ 8,057,081	\$ 66,566,867
Liabilities and Fund Balances								
Liabilities								
Accounts payable	\$ 244,882	\$ 413,826	\$ 123,121	\$ 1,251,527	\$ 188,909	\$ -	\$ 106,181	\$ 2,328,446
Retainage payable	-	4,943	111,663	172,180	-	-	-	288,786
Accrued payroll	1,598,126	-	-	-	-	-	-	1,598,126
Accrued interest payable	-	-	-	-	-	81,780	-	81,780
Due to other funds	2,129,410	-	-	-	-	-	4,759	2,134,169
Payable to other governments	7,118	-	-	-	-	-	-	7,118
Deferred revenue	4,863,017	489,903	-	4,571	6,712	1,306,975	110,134	6,781,312
Amounts held in escrow	102,285	-	-	-	-	-	240,593	342,878
Total liabilities	8,944,838	908,672	234,784	1,428,278	195,621	1,388,755	461,667	13,562,615
Fund Balances								
Nonspendable	-	-	-	-	-	-	-	-
Restricted	1,253,300	5,745,390	2,665,453	9,144,277	9,886,011	10,547,390	5,766,762	45,008,583
Committed	-	-	-	-	-	-	1,793,356	1,793,356
Assigned	-	-	-	-	-	-	35,296	35,296
Unassigned	6,167,017	-	-	-	-	-	-	6,167,017
Total fund balances	7,420,317	5,745,390	2,665,453	9,144,277	9,886,011	10,547,390	7,595,414	53,004,252
Total liabilities and fund balances	\$ 16,365,155	\$ 6,654,062	\$ 2,900,237	\$ 10,572,555	\$ 10,081,632	\$ 11,936,145	\$ 8,057,081	\$ 66,566,867

See notes to the basic financial statements.

CITY OF BROKEN ARROW, OKLAHOMA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

GOVERNMENTAL FUNDS

Year ended June 30, 2012

	General Fund	Sales Tax Capital Improvement Fund	2004 General Obligation Bond Fund	2008 General Obligation Bond Fund	2011 General Obligation Bond Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
Revenues:								
Property tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,147,713	\$ -	\$ 12,147,713
Sales and use taxes	30,424,484	5,658,307	-	-	-	-	-	36,082,791
Franchise and miscellaneous taxes	3,415,406	-	-	-	-	-	406,799	3,822,205
Licenses and permits	1,079,341	-	-	-	-	-	-	1,079,341
Intergovernmental	357,582	1,252,724	-	-	-	-	1,968,254	3,578,560
Charges for services	7,013,220	-	-	-	-	-	1,491,969	8,505,189
Fees and fines	1,620,049	-	-	-	-	-	16,009	1,636,058
Rental income	1,014,886	-	-	-	-	-	-	1,014,886
Interest income	31,734	10,654	7,943	31,785	14,469	132,669	7,729	236,983
Miscellaneous	105,860	7,738	-	-	-	-	94,876	208,474
Total revenues	45,062,562	6,929,423	7,943	31,785	14,469	12,280,382	3,985,636	68,312,200
Expenditures:								
Current:								
General government	7,785,140	-	-	-	-	-	284,015	8,069,155
Public safety	30,310,974	-	-	-	-	-	240,897	30,551,871
Public services	2,275,615	-	-	-	-	-	251,708	2,527,323
Parks and recreation	2,827,075	-	-	-	-	-	-	2,827,075
Debt service:								
Principal	730,000	430,000	-	-	-	8,671,500	-	9,831,500
Interest and other charges	1,010,960	91,300	-	-	-	3,161,590	-	4,263,850
Capital Outlay	-	3,793,754	5,510,037	7,034,207	1,496,620	-	1,352,903	19,187,521
Total expenditures	44,939,764	4,315,054	5,510,037	7,034,207	1,496,620	11,833,090	2,129,523	77,258,295
Excess (deficiency) of revenues over expenditures	122,798	2,614,369	(5,502,094)	(7,002,422)	(1,482,151)	447,292	1,856,113	(8,946,095)
Other financing sources (uses):								
Proceeds from long-term debt, net	-	-	-	5,000,000	11,450,000	-	-	16,450,000
Bond premium	-	-	-	-	-	39,168	-	39,168
Bond issuance costs	-	-	-	(60,118)	(81,838)	-	-	(141,956)
Transfers in	12,659,311	-	-	-	-	-	-	12,659,311
Transfers out	(11,642,442)	(45,500)	-	-	-	(132,669)	(1,458,000)	(13,278,611)
Total other financing sources and (uses)	1,016,869	(45,500)	-	4,939,882	11,368,162	(93,501)	(1,458,000)	15,727,912
Net change in fund balances	1,139,667	2,568,869	(5,502,094)	(2,062,540)	9,886,011	353,791	398,113	6,781,817
Fund balances, beginning of year	6,280,650	3,176,521	8,167,547	11,206,817	-	10,193,599	7,197,301	46,222,435
Fund balances, end of year	\$ 7,420,317	\$ 5,745,390	\$ 2,665,453	\$ 9,144,277	\$ 9,886,011	\$ 10,547,390	\$ 7,595,414	\$ 53,004,252

See notes to the basic financial statements.

CITY OF BROKEN ARROW, OKLAHOMA

BALANCE SHEET

GOVERNMENTAL FUNDS

June 30, 2011

	General Fund	Sales Tax Capital Improvement Fund	2004 General Obligation Bond Fund	2008 General Obligation Bond Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
s	\$ 1,630,229	\$ 1,933,122	\$ 9,444,981	\$ 8,613,331	\$ 1,598,955	\$ 6,716,195	\$ 29,936,813
	1,000,000	-	-	3,000,096	8,648,683	750,000	13,398,779
	137,254	-	-	-	1,340,388	-	1,477,642
	2,050,117	104,763	-	-	-	-	2,154,880
overnments	4,898,189	2,669,331	-	-	-	66,087	7,633,607
ole	3,065	-	-	12,224	21,647	3,639	40,575
	4,908,917	-	-	-	-	144,446	5,053,363
	13,703	-	-	-	-	-	13,703
	<u>\$ 14,641,474</u>	<u>\$ 4,707,216</u>	<u>\$ 9,444,981</u>	<u>\$ 11,625,651</u>	<u>\$ 11,609,673</u>	<u>\$ 7,680,367</u>	<u>\$ 59,709,362</u>
ices	\$ 248,892	\$ 460,806	\$ 1,105,970	\$ 306,197	\$ -	\$ 389,389	\$ 2,511,254
	-	18,508	171,464	100,413	-	-	290,385
	1,969,386	-	-	-	-	-	1,969,386
e	-	-	-	-	118,560	-	118,560
	1,772,144	-	-	-	-	4,758	1,776,902
ments	12,127	-	-	-	-	-	12,127
	4,316,060	1,051,381	-	12,224	1,297,514	88,919	6,766,098
v	42,215	-	-	-	-	-	42,215
	<u>8,360,824</u>	<u>1,530,695</u>	<u>1,277,434</u>	<u>418,834</u>	<u>1,416,074</u>	<u>483,066</u>	<u>13,486,927</u>
	-	-	-	-	-	-	-
	1,215,781	3,176,521	8,167,547	11,206,817	10,193,599	5,116,048	39,076,313
	-	-	-	-	-	2,061,102	2,061,102
	-	-	-	-	-	20,151	20,151
	5,064,869	-	-	-	-	-	5,064,869
	<u>6,280,650</u>	<u>3,176,521</u>	<u>8,167,547</u>	<u>11,206,817</u>	<u>10,193,599</u>	<u>7,197,301</u>	<u>46,222,435</u>
balances	<u>\$ 14,641,474</u>	<u>\$ 4,707,216</u>	<u>\$ 9,444,981</u>	<u>\$ 11,625,651</u>	<u>\$ 11,609,673</u>	<u>\$ 7,680,367</u>	<u>\$ 59,709,362</u>

See notes to the basic financial statements.

CITY OF BROKEN ARROW, OKLAHOMA

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

GOVERNMENTAL FUNDS

Year ended June 30, 2011

	General Fund	Sales Tax Capital Improvement Fund	2004 General Obligation Bond Fund	2008 General Obligation Bond Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
Revenues:							
Property tax	\$ -	\$ -	\$ -	\$ -	\$ 11,381,119	\$ -	\$ 11,381,119
Sales and use taxes	28,242,568	5,229,085	-	-	-	-	33,471,653
Franchise and miscellaneous taxes	3,362,233	-	-	-	-	367,278	3,729,511
Licenses and permits	774,261	-	-	-	-	-	774,261
Intergovernmental	777,323	1,030,889	-	-	-	1,654,828	3,463,040
Charges for services	6,259,763	-	-	-	-	1,540,366	7,800,129
Fees and fines	1,783,938	-	-	-	-	23,551	1,807,489
Rental income	1,094,121	-	-	-	-	-	1,094,121
Interest income	32,931	36,434	(38,065)	62,174	97,162	7,114	197,750
Miscellaneous	55,884	8,178	-	-	-	84,354	148,416
Total revenues	42,383,022	6,304,586	(38,065)	62,174	11,478,281	3,677,491	63,867,489
Expenditures:							
Current:							
General government	7,308,024	-	-	-	-	324,905	7,632,929
Public safety	28,855,757	-	-	-	-	182,530	29,038,287
Public services	2,367,539	-	-	-	-	907,787	3,275,326
Parks and recreation	2,500,219	-	-	-	-	-	2,500,219
Debt service:							
Principal	685,000	885,000	-	-	7,834,287	-	9,404,287
Interest and other charges	1,049,536	110,454	-	-	2,999,308	-	4,159,298
Capital outlay	-	4,434,901	6,049,154	6,817,578	-	1,070,697	18,372,330
Total expenditures	42,766,075	5,430,355	6,049,154	6,817,578	10,833,595	2,485,919	74,382,676
Excess (deficiency) of revenues over expenditures	(383,053)	874,231	(6,087,219)	(6,755,404)	644,686	1,191,572	(10,515,187)
Other financing sources (uses):							
Proceeds from long-term debt, net	-	-	1,940,000	10,575,000	-	-	12,515,000
Bond premium	-	-	-	-	-	-	-
Bond issuance costs	-	-	(27,792)	(58,467)	-	-	(86,259)
Transfers in	11,762,672	136,333	-	-	-	-	11,899,005
Transfers out	(10,721,866)	(2,850,000)	-	-	(97,184)	(1,898,000)	(15,567,050)
Total other financing sources and (uses)	1,040,806	(2,713,667)	1,912,208	10,516,533	(97,184)	(1,898,000)	8,760,696
Net change in fund balances	657,753	(1,839,436)	(4,175,011)	3,761,129	547,502	(706,428)	(1,754,491)
Fund balances, beginning of year	5,622,897	5,015,957	12,342,558	7,445,688	9,646,097	7,903,729	47,976,926
Fund balances, end of year	\$ 6,280,650	\$ 3,176,521	\$ 8,167,547	\$ 11,206,817	\$ 10,193,599	\$ 7,197,301	\$ 46,222,435

See notes to the basic financial statements.

CITY OF BROKEN ARROW, OKLAHOMA

BALANCE SHEET

GOVERNMENTAL FUNDS

June 30, 2010

	General Fund	Sales Tax Capital Improvement Fund	2004 General Obligation Bond Fund	2008 General Obligation Bond Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
Assets							
Cash and cash equivalents	\$ 1,528,458	\$ 1,926,168	\$ 13,122,849	\$ 7,586,012	\$ 5,183,204	\$ 8,185,915	\$ 37,532,606
Investments	1,000,000	2,098,083	-	-	4,536,279	-	7,634,362
Taxes receivable, net	131,494	-	-	-	1,324,396	-	1,455,890
Due from other funds	1,011,609	177,986	-	-	-	13,582	1,203,177
Receivable from other governments	4,809,317	1,370,805	-	-	-	132,991	6,313,113
Accrued interest receivable	2,123	6,108	-	-	11,910	-	20,141
Other receivables, net	3,330,112	-	-	-	-	131,733	3,461,845
Prepaid expenses	14,747	-	-	-	-	-	14,747
Total assets	\$ 11,827,860	\$ 5,579,150	\$ 13,122,849	\$ 7,586,012	\$ 11,055,789	\$ 8,464,221	\$ 57,635,881
Liabilities and Fund Balances							
Liabilities							
Accounts payable	\$ 253,233	\$ 64,995	\$ 440,045	\$ 135,903	\$ -	\$ 298,018	\$ 1,192,194
Retainage payable	-	2,207	340,246	4,421	-	129,024	475,898
Accrued payroll	1,287,219	-	-	-	-	-	1,287,219
Accrued interest payable	-	-	-	-	155,110	-	155,110
Due to other funds	1,726,785	-	-	-	-	1,051	1,727,836
Payable to other governments	9,136	-	-	-	-	-	9,136
Deferred revenue	2,868,475	495,991	-	-	1,254,582	132,399	4,751,447
Amounts held in escrow	60,115	-	-	-	-	-	60,115
Total liabilities	6,204,963	563,193	780,291	140,324	1,409,692	560,492	9,658,955
Fund Balances							
Reserved for:							
Compensated absences	1,993,446	-	-	-	-	-	1,993,446
Capital projects	-	5,015,957	12,342,558	7,445,688	-	3,425,558	28,229,761
Debt service	-	-	-	-	9,646,097	-	9,646,097
Other purposes	-	-	-	-	-	4,478,171	4,478,171
Unreserved	3,629,451	-	-	-	-	-	3,629,451
Total fund balances	5,622,897	5,015,957	12,342,558	7,445,688	9,646,097	7,903,729	47,976,926
Total liabilities and fund balances	\$ 11,827,860	\$ 5,579,150	\$ 13,122,849	\$ 7,586,012	\$ 11,055,789	\$ 8,464,221	\$ 57,635,881

CITY OF BROKEN ARROW, OKLAHOMA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
Year ended June 30, 2010

	General Fund	Sales Tax Capital Improvement Fund	2004 General Obligation Bond Fund	2008 General Obligation Bond Fund	Debt Service Fund	Other Governmental Funds	Total Governmental Funds
Revenues:							
Property tax	\$ -	\$ -	\$ -	\$ -	\$ 10,640,198	\$ -	\$ 10,640,198
Sales and use taxes	26,955,882	5,059,990	-	-	-	-	32,015,872
Franchise and miscellaneous taxes	3,098,768	-	-	-	-	1,735,654	4,834,422
Licenses and permits	855,252	-	-	-	-	-	855,252
Intergovernmental	404,250	266,137	-	-	-	169,767	840,154
Charges for services	6,281,045	-	-	-	-	749,298	7,030,343
Fees and fines	1,930,958	-	-	-	-	26,865	1,957,823
Rental Income	1,066,799	-	-	-	-	-	1,066,799
Interest Income	38,718	38,769	101,243	87,233	143,260	38,785	448,008
Miscellaneous	102,057	651,111	-	20,775	-	669,011	1,442,954
Total revenues	40,733,729	6,016,007	101,243	108,008	10,783,458	3,389,380	61,131,825
Expenditures:							
Current:							
General government	6,963,805	-	-	-	-	253,397	7,217,202
Public safety	27,744,195	-	-	-	-	92,707	27,836,902
Public services	2,177,574	-	-	-	-	191,105	2,368,679
Parks and recreation	2,332,552	-	-	-	-	-	2,332,552
Debt service:							
Principal	640,000	755,000	-	-	6,454,551	-	7,849,551
Interest and other charges	1,113,695	237,934	34,643	47,640	2,818,310	-	4,252,222
Capital outlay	-	4,286,341	5,336,379	6,221,457	-	3,944,624	19,788,801
Total expenditures	40,971,821	5,279,275	5,371,022	6,269,097	9,272,861	4,481,833	71,645,909
Excess (deficiency) of revenues over expenditures	(238,092)	736,732	(5,269,779)	(6,161,089)	1,510,597	(1,092,453)	(10,514,084)
Other financing sources (uses):							
Proceeds from long-term debt, net	-	-	3,225,000	6,400,000	-	-	9,625,000
Bond premium	-	-	-	-	68,338	-	68,338
Transfers in	11,463,884	-	-	-	-	115,795	11,579,679
Transfers out	(10,424,119)	(75,000)	-	-	(143,260)	(1,187,300)	(11,829,679)
Total other financing sources and (uses)	1,039,765	(75,000)	3,225,000	6,400,000	(74,922)	(1,071,505)	9,443,338
Net change in fund balances	801,673	661,732	(2,044,779)	238,911	1,435,675	(2,163,958)	(1,070,746)
Fund balances, beginning of year	4,821,224	4,354,225	14,387,337	7,206,777	8,210,422	10,067,687	49,047,672
Fund balances, end of year	\$ 5,622,897	\$ 5,015,957	\$ 12,342,558	\$ 7,445,688	\$ 9,646,097	\$ 7,903,729	\$ 47,976,926

See notes to the basic financial statements.

Memorandum

To: Thomas Moton Jr., City Manager
From: Jeff Jenkins, Assistant City Manager
Date: 04/28/2014
Re: Sales Tax Performance Analysis

At the April 15th Council study session, we discussed how the sales tax is performing in comparison to other Oklahoma communities. I thought it would be good to provide everyone an update on that slide.

We looked at the last twelve months of data ending on March 31, 2014 and included in the sample group were seventeen cities, mostly in the Tulsa area. In the overall sales tax rate, we were tied for the lowest rate at 3.0% with Owasso and Jenks. Most of the other cities have rates ranging from 3.5-4.125%. Notably, the city closes to us in population, Norman, has a rate of 3.5% and does not provide EMS services. The other two communities closest to us in population, Edmond and Lawton, have rates of 3.75 and 4.1250 respectively. This is a key indicator to me, as cities near the same size, normally will have rate structures that are closer because they facing similar growth related issues during their community life cycle.

The 1.00% column in the middle of the spreadsheet provides good information on what 1.00% produces in actual revenue. Again, on this category we are lagging behind Edmond and Norman. The good news is our 1.00% does outpace Lawton's overall production. In Owasso, which has a population of 28,915, they are producing almost \$7 million in sales tax revenue at 3.0%. We are only ahead of them by \$5 million even with our 2010 census of 98,850. Edmond and Stillwater both provide electric service allowing them additional revenue diversification opportunities.

Finally, on the last column this is an indicator we need to keep in mind. Our per capita income is performing low in comparison to other communities. We are currently the third lowest in the sample data. Our major issue overall is that we lag in several sales tax categories, which causes us overall funding issues.

Thanks,



Jeff Jenkins
Assistant City Manager



Memorandum

To: Mayor and Council

Thomas Moton Jr., City Manager

From: Jeff Jenkins, Assistant City Manager

Date: 05/01/2014

Re: 2014 GO Bond Street package

I wanted to follow up on the question received from Councilor Lester, and the executive summary provided by Thom Moton via email on 4/28/14. Contained in the memo were the estimated traffic counts for Albany and Washington:

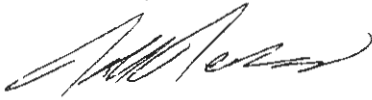
	2012	2013	2018	2023
• Albany, 9 th to 23 rd :	8,350	8,517	9,403	10,382
• Washington, Garnett to Olive:	18,750	19,125	21,116	23,313

I have asked the consultant, TEC to provide us updated numbers factoring in the opening of the new Early Childhood Center, new Elementary School, and the new Sophomore Center. Broken Arrow Public Schools estimates that once these facilities open, 2,400 more students will be traveling to the school sites at Albany. Dr. Mendenhall advised that one-fourth of all BAPS students will be attending schools along this one mile section of Albany. Currently, there are 2,800 junior and seniors at the high school, so with these increases we will now have 5,200 students in this location. Altogether, this will be a significant increase in students going to school there, which will hinder the morning drive through the City of Broken Arrow.

I also wanted to let everyone know on my drive to work, 9th or 23rd Street are options I can take to get to City Hall; however, because of the traffic conditions there near the school, I avoid driving in this area. I have driven south bound on the 9th street during the 7:15 timeframe, and normally at the light at 9th and Albany, it can take 5-6 light cycles to get through this

intersection. These conditions continue through the morning until the start of the school day and then start up again during the afternoon hours.

Thanks,

A handwritten signature in black ink, appearing to read "Jeff Jenkins", written in a cursive style.

Jeff Jenkins

Assistant City Manager

To: Thomas Moton Jr., City Manager
From: Norm Stephens, Assistant to the City Manager / Economic Development
Coordinator
Date: May 2, 2014
Re: Right of Way Ordinance in the Rose District

The City of Broken Arrow's Main Street Streetscape Phase III project was completed in 2013. The expansion of city sidewalks in the Rose District affords business owners a greater opportunity to display their merchandises and provide outside dining. In an effort to encourage development and ensure consistency, city staff researched the 2009 International Building Codes, the 2006 International Fire Codes, the 2010 National Fire Protection Association Chapter 13 code and the City of Broken Arrow Downtown Master Plan Façade Design Guidelines. Information gleaned from those documents provided staff with sufficient guidance to create a City Ordinance permitting uses of City right-of-ways located within the Rose District which will be presented to City Council on May 6, 2014.

It was the intent of City Staff to draft an ordinance not so restrictive that it discourages development in the Rose District; but specific enough to maintain standards. Based on the ordinance, an Application for Rose District Outdoor Dining / Seating was created. At the time the application is turned into the Development Services, the applicant will be required to provide a full size plan of the area, a description of the proposed use, be in compliance with all applicable building and fire codes, show dimensions and pertinent details, indicate furniture will be commercial grade, and maintain five (5) feet clearance from curb, elevation changes, power poles, light poles, fire hydrants or any obstruction in the street right of way.

Upon completion of the outdoor dining / seating project, city inspectors and a representative from the Fire Marshal's office will ensure compliance. Code Enforcement will investigate complaints if necessary.

Proposed Ordinance

Businesses can conduct activities associated with their business in the city right-of-way located in the Rose District by obtaining a permit. Such activities must be in compliance with all city ordinances including Building, Fire, Life Safety and Zoning Codes. The permit will designate what type of activities the business can conduct in the right-of-way and will designate the specific right-of-way area authorized to be used. No person, firm, partnership or agency shall conduct business within the right-of-way without first having obtained a permit provided by this section. Any person or entity who violates this section may be punished by a fine up to \$500.00 plus court costs. Applicants must refer to Manual of Fees for Permit Application Fee.

Research Material

- In 2008, the City of Broken Arrow contracted with the Program Manager who authored the Downtown Master Plan to develop the Façade Design Guidelines. The Design Guidelines are intended to provide design directions for new development proposals, additions, and rehabilitation / renovation of existing structures within the downtown mixed use core of Broken Arrow. The guidelines promote high standards in site planning, architectural design and landscaping and take into consideration the eclectic historic mixture of architectural styles within the area as well as pedestrian-oriented character of the district.
- Section 1013 of the 2009 International Building Code provides standards for the placement of Guards located along open-sided walking surfaces, including mezzanines, equipment platforms, stairs, ramps and landings. Section 1607 is dedicated to loads on handrails, guards, grab bars, seats and vehicle barrier systems. Section 3101 governs special building construction including membrane structures, temporary structures, pedestrian walkways and tunnels, automatic vehicular gates, awnings and canopies, marquees, signs, and towers and antennas. Section 8.15.7 of the 2010 National Fire Protection Association Chapter 13

INTEROFFICE MEMO

Automatic Fire Sprinklers regulates the need for sprinklers on exterior roofs, canopies, porte-cocheres, balconies, decks, or similar projects.

Chapter 7 of the Downtown Master Plan indicates that successful downtown action plans are driven by a number of factors including; Vision, Resources, Urgencies, and Feasibility. Creation of an Ordinance for permitting uses of City right-of-ways located in the Rose District is the next step towards a successful and prosperous Rose District.

Attachments:

- Application for Rose District Outdoor Dining / Seating
- NFPA Section 8.15.7 (Draft)



BROKEN ARROW

Where opportunity lives

**APPLICATION FOR
ROSE DISTRICT OUTDOOR
DINING/SEATING**

Application/Permit Number _____ Date Approved _____ By _____

PLEASE PROVIDE ALL APPROPRIATE INFORMATION.

NAME OF BUSINESS/BUILDING/COMPLEX: _____

LOCATION ADDRESS: _____ ZONING DISTRICT _____

APPLICANT: _____ BEST NUMBER: _____

MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

PROPERTY OWNER: _____ BEST NUMBER: _____

MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

ARCHITECT/DESIGNER: _____

MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

CONTACT NAME: _____ BEST NUMBER: _____

DESCRIPTION OF CONSTRUCTION:

DESCRIPTION OF WORK: _____

DOES THE REQUEST INCLUDE A (CIRCLE ONE): CANOPY AWNING OVERHANG NONE

TABLES AND CHAIR SETS: _____ TOTAL

ARE YOU INSTALLING A RAILING OR BARRIER? YES NO IF YES, TYPE: _____

ARE YOU INSTALLING FIRE SUPPRESSION? YES NO IF YES, TYPE: DRY WET FOAM

SPRINKLER STANDARD: NFPA13 NFPA13R NFPA13D

HEIGHT: Canopy Cover above grade _____ feet

SETBACK: From Street Center-Line of Street _____ feet

DIMENSIONS: Width _____ Length _____ Total Square Feet _____

WILL YOU REQUIRE A LICENSE?: LOW-POINT BEER LIQUOR? NONE

Exhibit the following details (when applicable) on the plans: Use of adjacent spaces, key plan, or overall floor plan with work clearly identified, outside seating for restaurants, fire exits, accesses and stair locations, fire ratings on existing demising, ceiling, corridor, and fire walls, scale, dimensions and north arrow.

All electrical, plumbing, and mechanical work must be done by a licensed contractor in each trade.

APPLICANT SIGNATURE: _____ DATE: _____

Rose District

Street Outdoor Dining/Seating

1. A full size plan(s) should be submitted of the proposed use including, but not limited to, outdoor seating arrangement, dimensions, scale, north arrow, use of adjacent spaces and dimensions, egress path (if applicable), railings/barriers, gates or doors, details, etc.
2. Provide a one page descriptive narrative of the proposed use and planned activities.
3. Outdoor dining/seating must be in strict compliance with all applicable building and fire codes. Canopies, Awnings and Overhangs in Section 10, 16, 24, 31 and 32 of IBC 2009 and NFPA 8.15.7.
4. Awnings, Canopies and Overhangs that are over 4 feet in width from the building are recommended to be non-combustible material, limited combustible material, or fire retardant-treated wood as defined in NFPA 703.
5. A minimum 5 feet clear from street curb, elevation changes, power poles, light poles, fire hydrants or any obstruction within the street right of way.
6. All furniture shall be commercial grade.

8.15.5.2 The sprinkler required at the bottom of the elevator hoistway by 8.15.5.1 shall not be required for enclosed, non-combustible elevator shafts that do not contain combustible hydraulic fluids.

8.15.5.3* Automatic sprinklers in elevator machine rooms or at the tops of hoistways shall be of ordinary- or intermediate-temperature rating.

8.15.5.4* Upright, pendent, or sidewall spray sprinklers shall be installed at the top of elevator hoistways.

8.15.5.5 The sprinkler required at the top of the elevator hoistway by 8.15.5.4 shall not be required where the hoistway for passenger elevators is noncombustible or limited-combustible and the car enclosure materials meet the requirements of ASME A17.1, *Safety Code for Elevators and Escalators*.

8.15.5.6 Sprinklers shall be installed at the top and bottom of elevators that utilize polyurethane-coated steel belts or other similar combustible belt material.

8.15.6 Spaces Under Ground Floors, Exterior Docks, and Platforms.

8.15.6.1 Unless the requirements of 8.15.6.2 are met, sprinklers shall be installed in spaces under all combustible ground floors, exterior docks, and platforms.

8.15.6.2 Sprinklers shall be permitted to be omitted from spaces under ground floors, exterior docks, and platforms where all of the following conditions prevail:

- (1) The space is not accessible for storage purposes and is protected against accumulation of wind-borne debris.
- (2) The space contains no equipment such as conveyors or fuel-fired heating units.
- (3) The floor over the space is of tight construction.
- (4) No combustible or flammable liquids or materials that under fire conditions would convert into combustible or flammable liquids are processed, handled, or stored on the floor above the space.

8.15.7* Exterior Roofs, Canopies, Porte-Cocheres, Balconies, Decks, or Similar Projections.

8.15.7.1 Unless the requirements of 8.15.7.2, 8.15.7.3, or 8.15.7.4 are met, sprinklers shall be installed under exterior roofs, canopies, porte-cocheres, balconies, decks, or similar projections exceeding 4 ft (1.2 m) in width.

8.15.7.2* Sprinklers shall be permitted to be omitted where the canopies, roofs, porte-cocheres, balconies, decks, or similar projections are constructed with materials that are noncombustible, limited-combustible, or fire retardant-treated wood as defined in NFPA 703, *Standard for Fire Retardant-Treated Wood and Fire-Retardant Coatings for Building Materials*.

8.15.7.3 Sprinklers shall be permitted to be omitted from below the canopies, roofs, porte-cocheres, balconies, decks, or similar projections of combustible construction, provided the exposed finish material on the roofs, canopies, or porte-cocheres are noncombustible, limited-combustible, or fire retardant-treated wood as defined in NFPA 703, *Standard for Fire Retardant-Treated Wood and Fire-Retardant Coatings for Building Materials*, and the roofs, canopies, or porte-cocheres contain only sprinklered concealed spaces or any of the following unsprinklered combustible concealed spaces:

- (1) Combustible concealed spaces filled entirely with non-combustible insulation

- (2) Light or ordinary hazard occupancies where noncombustible or limited-combustible ceilings are directly attached to the bottom of solid wood joists so as to create enclosed joist spaces 160 ft³ (4.5 m³) or less in volume, including space below insulation that is laid directly on top or within the ceiling joists in an otherwise sprinklered attic [see 11.2.3.1.4(d)]
- (3) Concealed spaces over isolated small roofs, canopies, or porte-cocheres not exceeding 55 ft² (5.1 m²) in area

8.15.7.4 Sprinklers shall be permitted to be omitted from exterior exit corridors when the exterior walls of the corridor are at least 50 percent open and when the corridor is entirely of noncombustible construction.

8.15.7.5* Sprinklers shall be installed under roofs, canopies, porte-cocheres, balconies, decks, or similar projections greater than 2 ft (0.6 m) wide over areas where combustibles are stored.

8.15.8 Dwelling Units.

8.15.8.1 Bathrooms.

8.15.8.1.1* Unless sprinklers are required by 8.15.8.1.2 or 8.15.8.1.3, sprinklers shall not be required in bathrooms that are located within dwelling units, that do not exceed 55 ft² (5.1 m²) in area, and that have walls and ceilings of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating, including the walls and ceilings behind any shower enclosure or tub.

8.15.8.1.2 Sprinklers shall be required in bathrooms of limited care facilities and nursing homes, as defined in NFPA 101, *Life Safety Code*.

8.15.8.1.3 Sprinklers shall be required in bathrooms opening directly onto public corridors or exitways.

8.15.8.2* Closets and Pantries. Sprinklers are not required in clothes closets, linen closets, and pantries within dwelling units in hotels and motels where the area of the space does not exceed 24 ft² (2.2 m²), the least dimension does not exceed 3 ft (0.9 m), and the walls and ceilings are surfaced with noncombustible or limited-combustible materials.

8.15.9* Library Stack Areas and Medical Record Storage. Where books or medical records are stored in fixed open book shelves, sprinklers shall be installed in accordance with one of the following:

- (1) Sprinklers shall be permitted to be installed without regard to aisles where clearance between sprinkler deflectors and tops of stacks is 18 in. (457 mm) or more.
- (2) Where the 18 in. (457 mm) clearance between sprinkler deflectors and tops of stacks cannot be maintained, sprinklers shall be installed in every aisle and at every tier of stacks with distance between sprinklers along aisles not to exceed 12 ft (3.7 m) in accordance with Figure 8.15.9(a).
- (3) Where the 18 in. (457 mm) clearance between sprinkler deflectors and tops of stacks cannot be maintained and where vertical shelf dividers are incomplete and allow water distribution to adjacent aisles, sprinklers shall be permitted to be omitted in alternate aisles on each tier, and where ventilation openings are also provided in tier floors, sprinklers shall be staggered vertically in accordance with Figure 8.15.9(b).

8.15.10 Electrical Equipment.

8.15.10.1 Unless the requirements of 8.15.10.3 are met, sprinkler protection shall be required in electrical equipment rooms.



April 28, 2014

Mr. John Herndon, President
First National Bank
121 S. Main Street
Broken Arrow, OK. 74012

RE: Broken Arrow Hospital Authority Account

Dear Mr. Herndon:

Your call about the Broken Arrow Hospital Authority account on April 23, 2014, is appreciated. I spoke to Regina by telephone on April 23 and advised her I would research this matter.

The City Council approved the dissolution of the Hospital Authority on September 6, 2005. A copy of the City Council Meeting Agenda fact sheet and meeting minutes are attached. Under accounting and legal standards the Authority was created for the benefit of the City of Broken Arrow. Since the City is the beneficiary of this Authority, the City should receive title of possession to any residual assets when a Public Trust is dissolved (see attached pages 26 – of the fiscal 2013 financial statements under the Discretely Presented Component Units section).

Based on the above, please close the account and remit the account balance to the City of Broken Arrow, marked attention Finance Director.

Contact me if you have any questions.

Sincerely yours,

Thomas M. Moton, Jr.
City Manager

nes

CC: Tom Caldwell, Finance Director
Mayor and City Councilors

Attachments

**CITY OF BROKEN ARROW, OKLAHOMA
 NOTES TO BASIC FINANCIAL STATEMENTS
 JUNE 30, 2013**

Financial reporting entity

The City's financial reporting entity is comprised of the following:

Primary Government:	City of Broken Arrow
Blended Component Units:	Broken Arrow Municipal Authority Broken Arrow Economic Development Authority
Discretely Presented Component Units:	Broken Arrow Home Finance Authority Broken Arrow Hospital Authority <u>-9/6/2005</u>

In determining the financial reporting entity, the City complies with the provisions of Governmental Accounting Standards Board Statement No. 14, *The Financial Reporting Entity* and includes all component units of which the City is fiscally accountable. Each of these component units are Public Trusts established pursuant to Title 60 of Oklahoma State law. Public Trusts (Authorities) have no taxing power. The Authorities are generally created to finance city services through issuance of revenue bonds or other nongeneral obligation debt and to enable the City Council to delegate certain functions to the governing body (Trustees) of the Authority. The Authorities generally retain title to assets which are acquired or constructed with Authority debt or other Authority generated resources. In addition, in most cases, the City has leased certain existing assets at the creation of the Authorities to the trustees on a long-term basis. The City, as beneficiary of the Public Trusts, receives title to any residual assets when a Public Trust is dissolved.

Blended component units

Blended component units are separate legal entities that meet the component unit criteria described above and whose governing body is the same or substantially the same as the City council or the component unit provides services entirely to the City. These component units' funds are blended into those of the City's by appropriate fund type to comprise part of the primary government presentation.

Two component units are blended in to the primary government's fund types as presented below:

Component Unit	Brief Description/Inclusion Criteria	Reporting Fund
Broken Arrow Municipal Authority (BAMA)	Created July 1, 1979, to finance, develop and operate the water, sewer and solid waste activities. The current City Council serves as its entire governing body (Trustees). Any issuance of debt would require a two-thirds approval of the City Council.	Enterprise Fund

BROKEN ARROW CITY COUNCIL
AGENDA
CITY HALL COUNCIL CHAMBERS
200 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA
September 6, 2005

6:30 P.M.

1. Call to Order
2. Invocation
3. Roll Call
4. Pledge of Allegiance to the Flag
5. Consideration of Consent Agenda
 - A. Approval of regular meeting minutes of August 15, 2005
 - B. Approval special meeting minutes of August 23, 2005
 - C. Approval of the Broken Arrow High School Homecoming Parade to be held on Friday, October 7, 2005, at 4:00 p.m., including the temporary closing of Main Street from College to Fort Worth
 - D. Approval of and authorization to execute Resolution No. 416, a resolution authorizing specific officers to open accounts, deposit and withdraw funds, and designating a specific bank as a depository bank
 - E. Approval of and authorization to execute Major Change Order #MO1 to Contract No. ST0413, to widen Albany (61st Street) and North Elm Place (161st E. Avenue)
 - F. Approval of and authorization to execute a "Visitor Information Center Agreement" with the Broken Arrow Chamber of Commerce
 - G. Approval of and authorization to execute a Youth Counseling Agreement between the City and Youth Services of Tulsa, for the term July 1, 2005 through June 30, 2006
 - H. Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Use Agreement with Broken Arrow Soccer Club (BASC), for use of the Indian Springs Sports Complex, from the date of execution thru June 30, 2006
 - I. Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Use Agreement with Broken Arrow Youth Football Association (BAYFA), for use of the Indian Springs Sports Complex baseball outfields, from date of execution through December 31, 2005
 - J. Approval of and authorization to execute Amendment No. 1 to the Architect/ Engineer Contract ST0510 with Tulsa Engineering & Planning Associates, Inc. for Elm Place (161st E. Avenue) widening from Kenosha Street (71st Street) to Houston Street (81st Street)
 - K. Approval of and authorization to execute an Architect/Engineer Contract with Tulsa Engineering & Planning Associates, Inc. for design of fiber optic lines connecting City Hall with the Community Center, Main Place, and Police Department headquarters

- L. Approval of and authorization to execute an Architect/Engineer Contract with Allen Brown Architects for design of the Historical Museum
- M. Approval of and authorization to execute an Architect/Engineer Contract with Garver Engineers for design of Elm Place (161st E. Avenue) - five (5) lanes wide from the FAA site (north of Albany/61st Street) to Omaha Street (51st Street)
- N. Approval of proposed termination of the Vision 2025 Downtown Steering Committee
- O. Approval of proposed termination of the Broken Arrow Hospital Authority
- P. Approval of proposed termination of the Sister Cities Committee
- Q. Approval of proposed termination of the Street Naming Study Committee
- R. Approval of PT03-126, conditional final plat of Fairway Park II, one-quarter mile west of County Line Road, north of Albany Street, PUD 139, BAZ 1609, 2.05 acres, 9 lots
- S. Approval of PT04-119, conditional final plat of Turnberry Place, PUD 150/BAZ 1653, 27 acres, 103 lots, southwest of the southwest corner of Dearborn Street and 209th East Avenue
- T. Approval of PT04-120, conditional final plat of Belle Trace II, (Battle Creek) one-half mile north of Omaha Street (51st Street), one-half mile east of Aspen Avenue (145th E. Avenue), 159 lots on 51.29 acres
- U. Approval of PT04-128, conditional final plat of Glen Eagles IV, (initially submitted as Glen Eagles II), 57 acres, 168 lots, north of Dearborn Street, one-third mile east of 37th Street and modification of the building setback line along Dearborn Street from 35 feet to 25 feet
- V. Approval of PT04-131, conditional final plat of Glen Eagles III, 21.8 acres, 76 lots, one-quarter mile west of 209th East Avenue, one-quarter mile north of Dearborn Street
- W. Approval of PT05-112, conditional final plat of Forest Creek Business Park, PUD 146, 4.08 acres, 14 lots, one-quarter mile east of Garnett Road north of Houston Street (81st Street)
- X. Approval of BAZ 1679 and Downtown Development District, DDD05-101, Lightsey, 0.16 acres, R-3 to C-3, 515 West Galveston Street
- Y. Approval of BAZ 1682, R-1 to C-3, 2.26 acres, north of Kenosha Street (71st Street), west of Desert Palm Avenue
- Z. Approval of BAZ 1683, R-2 to R-3S, (PT05-119) 10.25 acres, one-third mile west of Aspen Avenue (145th E. Avenue), south of Jasper Street (131st Street)
- AA. Approval of BAZ 1684, R-2 to R-3S (PT05-119) 5.01 acres, one-quarter mile east of Olive Avenue (129th E. Avenue), one-quarter mile south of Jasper Street (131st Street)
- BB. Approval of SP 35B, 19.0 acres, R-1 & SP 35, request to modify existing sign at Saint Francis Hospital at Broken Arrow, west of Elm Place (161st E. Avenue), between Ithica Street and Edgewater Street

- CC. Acceptance of Utility Easement from Dee Ann Martin, now Jeppesen, located immediately east of the proposed Senior Suites Healthcare plat and approximately ¼ mile east of Washington Street (91st Street) and South Olive Avenue (129th E. Avenue) intersection on the south side of Washington Street (91st Street) (S21, T18N, R14E) (Project: Senior Suites Healthcare)
 - DD. Acceptance of Utility Easements from Homes by Classic Properties, LLC; HHBG, LLC; and Perry Hood Properties, Inc., located in Blocks 1 and 4 of Bentley Village II subdivision which lies southwest of the intersection of Jasper Street (131st Street) and S. Aspen Avenue (145th E. Avenue) (S9, T17N, R14E) (Project: Bentley Village II sewer)
 - EE. Acceptance of a Utility Easement from Berkshire Medical Building, L.L.C., located immediately to the south of Lot 1, Block 3, Berkshire Medical Office Park, and approximately 3/8 mile north of Washington Street (91st Street) and South Garnett Road intersection (S17, T18N, R14E) (Project: Berkshire Medical Office Park / BAL 885)
 - FF. Acceptance of a Utility Easement from Primus Properties LLC and John C. Anderson and Janice B. Anderson, Trustees of the Anderson Family Trust, located immediately to the east of South Garnett Road in Lot 1, Block 12, Melinda Park subdivision and at the southeast corner of East 63rd Street and South Garnett Road intersection (S5, T18N, R14E) (Project: PUD 163 / BAZ 1673)
 - GG. Approval of Claims
6. Consideration of Items Removed from Consent Agenda
 7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths
 - A. Presentation: Approval, authorization to execute, and presentation of a Proclamation declaring September 11, 2005: "Arrow Heights Baptist Church Day"
 - B. Award: Approval and award of 'Citation of Merit' to Police and Fire personnel credited with meritorious service in the community
 - C. Presentation: Tulsa Transit's report on the first month's activity of the new Broken Arrow bus route and approval of the installation of bus benches and shelters along the established route
 8. Citizens' Opportunity to Address the Council (approximately 7:00 p.m.)
 9. General Council Business
 - A. Consideration, possible approval of, and authorization to execute Resolution No. 415, a resolution submitting to the voters of the City of Broken Arrow at a Special Election to be held on November 8, 2005, Ordinance No. 2731 of the City of Broken Arrow approving the gift of approximately 199 acres in Wagoner County to Northeastern State University and allowing for use of public land as a four year college campus without the restriction of a lease
 - B. Consideration of and direction for publication and notice of voluntary annexation of a portion of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma, (A/K/A 12118 East 101st Street, Broken Arrow, Oklahoma)
 - C. Consideration and possible designation of the City's Voting and Alternate Voting Delegates for the National League of Cities' "Congress of Cities" Annual Business Meeting

- D. Consideration, review, and possible action on proposed agreement between Real Estate Investment Partnership (REIP), Broken Arrow Public Golf Authority (BAPGA), Broken Arrow Municipal Authority (BAMA) and the City of Broken Arrow (City) concerning the transfer of Battle Creek Golf Course to the City, dissolution of BAPGA and the transfer of land between the City and REIP
- E. Consideration and possible approval of Community Development Block Grant (CDBG) Fiscal Year 2005 social services allocations recommendations: Broken Arrow Seniors (\$13,134.00), Margaret Hudson Program (\$11,805.00), Family & Children's Services (\$8,756.00), Broken Arrow Public Schools Indian Springs and Rhoades Elementary Before/After School Tutoring (\$4,835.00), Broken Arrow Public Schools Arrow Springs Elementary After School Tutoring (\$3,330.00), Broken Arrow Meals on Wheels (\$3,832.00), Broken Arrow Neighbors (\$17,512.00), and Broken Arrow Neighbors Treetops Outreach (\$3,165.00); and authorization to execute the Technical and Professional Services contracts in connection therewith
- F. Consideration, possible approval of, and authorization to execute a contract with Lantern Hill L.L.C. for voluntary annexation of 80 acres located southeast of the intersection of Jasper Street and Olive Avenue in Tulsa County (S9, T17N, R14E)
- G. Consideration of recommendations from the Judicial Nominating Committee and possible appointment of a Presiding Judge for the Broken Arrow Municipal Court

10. Preview Ordinances

- A. An ordinance amending the Broken Arrow Code Section 24-608 increasing the increment rates for water per 1,000 gallons effective for all billings and consumption after October 1, 2005; repealing all ordinances to the contrary and declaring an emergency
- B. An ordinance amending the Broken Arrow Code by amending Article XIII, Section 7-301(b), Oversized Load Mover's License of the Broken Arrow Code of Ordinances; repealing all ordinances to the contrary and declaring an emergency
- C. An ordinance amending the Broken Arrow Code, Chapter 23, Article I – In General, Section 23-24, Accident Reports; repealing all ordinances to the contrary; and declaring an emergency
- D. An ordinance amending the Broken Arrow Code, Chapter 23, Article II – Operation of Vehicles Generally, Section 23-52, Same-No Passing Zones; repealing all ordinances to the contrary; and declaring an emergency
- E. An ordinance repealing the Broken Arrow Code, Chapter 23, Article V – Motorcycles, Section 23-174, Headgear for Operators and Riders; repealing all ordinances to the contrary; and declaring an emergency
- F. An ordinance changing the name of certain streets in Lockmere III at Forest Ridge, an addition to the City of Broken Arrow, Wagoner County, Oklahoma; and repealing all ordinances to the contrary

11. Ordinances

- A. Ordinance No. 2731 not to be codified, authorizing the calling and holding of an election in the City of Broken Arrow, Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of whether the City of Broken Arrow shall give approximately 199 acres located at the northwest corner of the Creek Turnpike and New Orleans to Northeastern State University and allowing for continued use of public land as a four-year college campus without the restriction of a lease; directing that the election be called by resolution; requesting the Tulsa County Election Board to conduct said election and declaring an emergency

12. Remarks and Inquiries by Governing Body Members

13. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and its City Attorney, concerning possible settlement in the case of J. D. Lind v. The City of Broken Arrow and potential litigation concerning a condemnation of a right-of-way under Title 25 O.S. 2001 § 307B4. In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding 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

14. Adjournment

NOTICE:

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings. Exhibits, petitions, pictures, etc., presented to the City Council shall be received and deposited in case files to be kept at the Broken Arrow City Hall. If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 259-2400 Ext. 5418 to make arrangements.

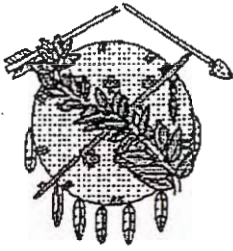
POSTED this ____ day of _____, 2005, at _____ p.m.

City Clerk _____

BROKEN ARROW CITY COUNCIL

AGENDA ITEM NO. 50

MEETING OF: 09-06-05



TO: MAYOR AND CITY COUNCIL
FROM: OFFICE OF THE CITY MANAGER
SUBJECT: PROPOSED TERMINATION OF THE HOSPITAL AUTHORITY

Background: The City of Broken Arrow created a Hospital Authority on May 1, 1974. The Authority consists of three (3) members. The current Authority Members are Bill Baldwin and Scott Graham. There has been one open position since May 2003. The last action taken in relation to the Authority was the appointment of Bill Baldwin and Scott Graham in May of 2002. The Authority has no mission at this point in time and the staff recommends that the Authority be dissolved and the members of the Authority be thanked for their service. If the need for a Hospital Authority arises in the future, the City of Broken Arrow can establish a new Authority.

Cost: NONE

Report Prepared By: David L. Wooden, P.E., Assistant City Manager

Report Reviewed By:
Legal Department

Handwritten signature of Beth Anne Wolkovig.

Attachments: NONE

Recommendation: Authorize the Staff to take the necessary actions to abolish the Hospital Authority.

James M. Twombly
City Manager

JT:dw

ACTION: APPROVAL: _____ APPROVAL W/ CONDITION: _____ DENIAL: _____ TABLED: _____ VOTE: _____

BROKEN ARROW CITY COUNCIL MINUTES

September 6, 2005

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, September 6, 2005, at 6:30 p.m.

1. Mayor Richard Carter called the meeting to order at the noted time of 6:30 p.m.
2. The invocation was given by Reverend Scott Keele, Church of Christ.
3. Mayor Carter called for the roll:

Council Present: Mayor Richard Carter
Vice-Mayor Craig Thurmond
Councilman Wade McCaleb
Councilman Tom Chatterton
Councilwoman Melissa Mahan

Staff Present:
James Twombly, City Manager Tom Hendrix, City Engineer
Wayne Bishop, Public Info. Officer Dennis McIntire, Fire Chief
Farhad Daroga, Dev. Servs. Michael Skates, Dev. Servs. Dir.
Linda Fagundes, City Clerk Steve Steward, Info. Systems Mgr.
Russell Gale, HR Director Beth Anne Wilkening, City Attorney
Jay Heinrichs, Controller Dave Wooden, Asst. City Manager

4. Mayor Carter led those present in the Pledge of Allegiance to the Flag
5. Consideration of Consent Agenda
 - A. Approval of regular meeting minutes of August 15, 2005
 - B. Approval special meeting minutes of August 23, 2005
 - C. Approval of the Broken Arrow High School Homecoming Parade to be held on Friday, October 7, 2005, at 4:00 p.m., including the temporary closing of Main Street from College to Fort Worth
 - D. Approval of and authorization to execute Resolution No. 416, a resolution authorizing specific officers to open accounts, deposit and withdraw funds, and designating a specific bank as a depository bank
 - E. Approval of and authorization to execute Major Change Order #MO1 to Contract No. ST0413 , to widen Albany (61st Street) and North Elm Place (161st E. Avenue)
 - F. Approval of and authorization to execute a "Visitor Information Center Agreement" with the Broken Arrow Chamber of Commerce
 - G. Approval of and authorization to execute a Youth Counseling Agreement between the City and Youth Services of Tulsa, for the term July 1, 2005 through June 30, 2006
 - H. Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Use Agreement with Broken Arrow Soccer Club (BASC), for use of the Indian Springs Sports Complex, from the date of execution thru June 30, 2006
 - I. Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Use Agreement with Broken Arrow Youth Football Association (BAYFA), for use of the Indian Springs Sports Complex baseball outfields, from date of execution through December 31, 2005
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 - K. Approval of and authorization to execute an Architect/Engineer Contract with Tulsa Engineering & Planning Associates, Inc. for design of fiber optic lines connecting City Hall with the Community Center, Main Place, and Police Department headquarters
 - L. Approval of and authorization to execute an Architect/Engineer Contract with Allen Brown Architects for design of the Historical Museum
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- N. Approval of proposed termination of the Vision 2025 Downtown Steering Committee
- O. Approval of proposed termination of the Broken Arrow Hospital Authority
- P. Approval of proposed termination of the Sister Cities Committee
- Q. Approval of proposed termination of the Street Naming Study Committee
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- Z. Approval of BAZ 1683, R-2 to R-3S, (PT05-119) 10.25 acres, one-third mile west of Aspen Avenue (145th E. Avenue), south of Jasper Street (131st Street)
- AA. Approval of BAZ 1684, R-2 to R-3S (PT05-119) 5.01 acres, one-quarter mile east of Olive Avenue (129th E. Avenue), one-quarter mile south of Jasper Street (131st Street)
- BB. Approval of SP 35B, 19.0 acres, R-1 & SP 35, request to modify existing sign at Saint Francis Hospital at Broken Arrow, west of Elm Place (161st E. Avenue), between Ithica Street and Edgewater Street
- CC. Acceptance of Utility Easement from Dee Ann Martin, now Jeppesen, located immediately east of the proposed Senior Suites Healthcare plat and approximately ¼ mile east of Washington Street (91st Street) and South Olive Avenue (129th E. Avenue) intersection on the south side of Washington Street (91st Street) (S21, T18N, R14E) (Project: Senior Suites Healthcare)
- DD. Acceptance of Utility Easements from Homes by Classic Properties, LLC; HHBG, LLC; and Perry Hood Properties, Inc., located in Blocks 1 and 4 of Bentley Village II subdivision which lies southwest of the intersection of Jasper Street (131st Street) and S. Aspen Avenue (145th E. Avenue) (S9, T17N, R14E) (Project: Bentley Village II sewer)
- EE. Acceptance of a Utility Easement from Berkshire Medical Building, L.L.C., located immediately to the south of Lot 1, Block 3, Berkshire Medical Office Park, and approximately 3/8 mile north of Washington Street (91st Street) and South Garnett Road intersection (S17, T18N, R14E) (Project: Berkshire Medical Office Park / BAL 885)
- FF. Acceptance of a Utility Easement from Primus Properties LLC and John C. Anderson and Janice B. Anderson, Trustees of the Anderson Family Trust, located immediately to the east of South Garnett Road in Lot 1, Block 12, Melinda Park subdivision and at the southeast corner of East 63rd Street and South Garnett Road intersection (S5, T18N, R14E) (Project: PUD 163 / BAZ 1673)
- GG. Approval of Claims

Vice-Mayor Thurmond requested that Item “DD” be removed from the Consent Agenda for separate consideration.

Motion by McCaleb, second by Thurmond, to approve the Consent Agenda as submitted, with the exception of Item “DD”.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

Vice-Mayor Thurmond left the room.

6. Consideration of Items Removed from Consent Agenda

Mayor Carter introduced Item “DD”, which had been removed from the Consent Agenda:

5DD Acceptance of Utility Easements from Homes by Classic Properties, LLC; HHBG, LLC; and Perry Hood Properties, Inc., located in Blocks 1 and 4 of Bentley Village II subdivision which lies southwest of the intersection of Jasper Street (131st Street) and S. Aspen Avenue (145th E. Avenue) (S9, T17N, R14E) (Project: Bentley Village II sewer

Motion by Chatterton, second by McCaleb, to approve Item 5DD.

Aye: Mahan, Chatterton, McCaleb, Carter

Nay: None

Motion carried.

Vice-Mayor Thurmond was unavailable for the vote.

Immediately following the vote, Vice-Mayor Thurmond returned to the meeting.

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

7A. Presentation: Approval, authorization to execute, and presentation of a Proclamation declaring September 11, 2005: “Arrow Heights Baptist Church Day”

Motion by McCaleb, second by Chatterton, to approve Proclamation declaring September 11, 2005: “Arrow Heights Baptist Church Day”.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

The Mayor read and presented the Proclamation to Associate Pastor Robert Cannon, who thanked the Council for their support and pledged the Church’s continued service to the community.

7B. Award: Approval and award of ‘Citation of Merit’ to Police and Fire personnel credited with meritorious service in the community

Mayor Carter introduced the item and the City Manager provided background.

Motion by Chatterton, second by Mahan, to approve Citations of Merit.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

The Mayor read and presented the Citation of Merit to all personnel involved and commended their outstanding efforts. A standing ovation followed.

7C. Presentation: Tulsa Transit’s report on the first month’s activity of the new Broken Arrow bus route and approval of the installation of bus benches and shelters along the established route

Mayor Carter introduced the item. Bill Cartwright, General Manager of Tulsa Transit provided a general update on the progress of the bus service since it began on August 1, 2005. He noted that overall results have been very positive. Cartwright distributed a chart indicating the daily average for scheduled trips increased from 9.5 in May to 37 in September, an increase of 289%. To deal with the increasing demand, Tulsa Transit has implemented various successful methods, including adjustments to the schedule and adding extra stops. Cartwright mentioned that complaints have been very low due to the fact that the service has been consistently adjusted to accommodate the needs of citizens. Although express service has been brought to Broken Arrow, only one bus is presently available, which makes it difficult to accommodate all special requests. Cartwright mentioned that future adjustments are anticipated to accommodate TCC students as well as Bass Pro customers.

In response to inquiries from Councilman McCaleb, Cartwright indicated the demand is close to justifying another bus, as well as weekend service, although he was unsure when either of those events may occur.

Utilizing an overhead projector, Cartwright then addressed the issue of benches and shelters. He elaborated on their construction and indicated the shelters are lighted and designed to discourage vandalism. Cartwright explained that certain Federal funds have been received and are earmarked to begin providing these amenities in Broken Arrow. He stated that up to 8 shelters are expected to be installed fairly soon, along the designated route.

Councilman Chatterton mentioned he is in favor of signage at each bus stop.

Councilwoman Mahan inquired as to the number of special pickup customers being turned away on a daily basis. Cartwright indicated that last Friday, the system accommodated 48 special pickups, with only about 1 per day not being accommodated.

Gwen Harpain, 5001 South Hickory, Apartment #152, addressed the Council and spoke in complimentary support of the new bus service. She explained the methods used by the new service in meeting her individual, special needs.

Margaret Flanagan, 18817 East 114th Street South, was in attendance and did not wish to speak, although she registered her support of the new bus system by completing and submitting a Request to Appear Before Council form.

Prior to the start of the meeting, a letter from Linda Kaled, 1803 South Aster Court, voicing support of the new bus system, was received by the City Clerk and submitted to the Council.

Motion by Chatterton, second by McCaleb, to approve Tulsa Transit's proposal to install bus benches and shelters.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

8. Citizens' Opportunity to Address the Council (approximately 7:00 p.m.)

There were no speakers under this item.

9. General Council Business

9A. Consideration, possible approval of, and authorization to execute Resolution No. 415, a resolution submitting to the voters of the City of Broken Arrow at a Special Election to be held on November 8, 2005, Ordinance No. 2731 of the City of Broken Arrow approving the gift of approximately 199 acres in Wagoner County to Northeastern State University and allowing for use of public land as a four year college campus without the restriction of a lease

The Mayor announced this item will be heard later in this meeting at the time the accompanying Ordinance is heard.

9B. Consideration of and direction for publication and notice of voluntary annexation of a portion of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma, (A/K/A 12118 East 101st Street, Broken Arrow, Oklahoma)

Mayor Carter introduced the item. The City Attorney provided background information and stated the property owners have indicated a desire to be annexed into the city limits. Pursuant to State statutes, Council must direct publication of a Legal Notice of Annexation and appropriate adjoining property owners must be notified of the public hearing before the Council, scheduled for October 3, 2005.

Motion by Thurmond, second by McCaleb, to approve the Legal Notice of Annexation as submitted and direct its publication.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

9C. Consideration and possible designation of the City's Voting and Alternate Voting Delegates for the National League of Cities' "Congress of Cities" Annual Business Meeting

The Mayor introduced the item. Historically, the Council has appointed the Mayor as its Voting Delegate and the City Manager as its Alternate Voting Delegate. The Mayor announced he will be unable to attend the conference this year.

Motion by McCaleb, second by Mahan, to designate the Vice-Mayor as the City's Voting Delegate, with the City Manager as First Alternate.

Aye: Mahan, Chatterton, McCaleb, Carter

Nay: None

Motion carried.

9D. Consideration, review, and possible action on proposed agreement between Real Estate Investment Partnership (REIP), Broken Arrow Public Golf Authority (BAPGA), Broken Arrow Municipal Authority (BAMA) and the City of Broken Arrow (City) concerning the transfer of Battle Creek Golf Course to the City, dissolution of BAPGA and the transfer of land between the City and REIP

Mayor Carter introduced the item. The Assistant City Manager provided the background and explained the proposed contract is designed primarily to bring the Battle Creek Golf Course into the City under the City's Parks and Recreation Department. It also provides for the future transfer of land with REIP if that action is deemed to be beneficial to both parties. This contract will be considered by the Broken Arrow Public Golf Authority at the end of this month, and will be brought back to the Council for final approval at the first meeting in October.

The Mayor announced the Council will accept the contract for review and take no action this evening.

In response to Councilman McCaleb, the City Manager stated that any anticipated changes to the course would be borne by REIP as delineated in Paragraph 2(a) of the agreement. The City Manager stated that by paying off the debt on the golf course as of August 1, 2005, the City saved approximately \$4 million in interest.

No action taken.

9E. Consideration and possible approval of Community Development Block Grant (CDBG) Fiscal Year 2005 social services allocations recommendations: Broken Arrow Seniors (\$13,134.00), Margaret Hudson Program (\$11,805.00), Family & Children's Services (\$8,756.00), Broken Arrow Public Schools Indian Springs and Rhoades Elementary Before/After School Tutoring (\$4,835.00), Broken Arrow Public Schools Arrow Springs Elementary After School Tutoring (\$3,330.00), Broken Arrow Meals on Wheels (\$3,832.00), Broken Arrow Neighbors (\$17,512.00), and Broken Arrow Neighbors Treetops Outreach (\$3,165.00); and authorization to execute the Technical and Professional Services contracts in connection therewith

Mayor Carter introduced the item. The City Manager provided the background and pointed out that, following a review of the applications, these recommendations are in keeping with Council direction. Since the Tulsa City-County Health Department was granted \$1,000 last year and chose to expend none, it is recommended that they be granted no new funding this year. Instead, they will be permitted a separate, one-year contract extension in which to expend last year's funds. This action creates a \$1,000 adjustment to be applied across-the-board to other recipients, resulting in an overall 4.2 % of decrease, rather than the 5.5% originally anticipated.

In response to the Mayor, the City Manager confirmed that the 4.2% decrease was applied evenly, across-the-board, to all recipients.

Motion by McCaleb, second by Chatterton, to approve and execute the Community Development Block Grant (CDBG) Fiscal Year 2005 social services allocations, as submitted.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

Vice-Mayor Thurmond left the room.

9F. Consideration, possible approval of, and authorization to execute a contract with Lantern Hill L.L.C. for voluntary annexation of 80 acres located southeast of the intersection of Jasper Street and Olive Avenue in Tulsa County (S9, T17N, R14E)

Mayor Carter introduced the item. The Assistant City Manager provided the background, noting that City Staff negotiated this voluntary annexation, in accordance with Council guidance. The City will be required to provide two service connection taps on the exiting 12-inch water line on Olive and annex the property into the City under the AR3S zoning category.

In response to Councilman McCaleb, Wooden clarified that the "A" in "AR3S" indicates the property was annexed in at that category and a zoning hearing is required to remove the "A", leaving the zoning as R3S.

Motion by Mahan, second by Chatterton, to approve and execute the contract with Lantern Hill L.L.C.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

Vice-Mayor Thurmond returned to the meeting.

9G. Consideration of recommendations from the Judicial Nominating Committee and possible appointment of a Presiding Judge for the Broken Arrow Municipal Court

The Mayor introduced the item and the City Attorney provided the background. The City Attorney provided the background and noted this is a Mayoral appointment. The Judicial Nominating Committee received and reviewed 56 applications for the Presiding and Alternate positions and interviewed 6 candidates. At the Mayor's request, the Committee submitted three names for the Presiding Judge position. He was provided the following names, in no particular order, August 31, 2005: Steve Edgar, Gary Madison, and Dan Crawford. Recommendations for the position of Alternate Municipal Judge will be set on the next Council agenda.

The Mayor thanked the Committee for their efforts and stated he has given careful consideration to each applicant. He announced his appointment of Steve Edgar as Presiding Municipal Judge, who has agreed to accept the appointment. He mentioned that Judge Edgar has been serving as the City's Acting Presiding Judge and has done an excellent job.

10. Preview Ordinances

The Mayor introduced the item and the City Attorney gave the background of each preview ordinance:

- A. An ordinance amending the Broken Arrow Code Section 24-608 increasing the increment rates for water per 1,000 gallons effective for all billings and consumption after October 1, 2005; repealing all ordinances to the contrary and declaring an emergency
- B. An ordinance amending the Broken Arrow Code by amending Article XIII, Section 7-301(b), Oversized Load Mover's License of the Broken Arrow Code of Ordinances; repealing all ordinances to the contrary and declaring an emergency
- C. An ordinance amending the Broken Arrow Code, Chapter 23, Article I – In General, Section 23-24, Accident Reports; repealing all ordinances to the contrary; and declaring an emergency
- D. An ordinance amending the Broken Arrow Code, Chapter 23, Article II – Operation of Vehicles Generally, Section 23-52, Same-No Passing Zones; repealing all ordinances to the contrary; and declaring an emergency
- E. An ordinance repealing the Broken Arrow Code, Chapter 23, Article V -- Motorcycles, Section 23-174, Headgear for Operators and Riders; repealing all ordinances to the contrary; and declaring an emergency
- F. An ordinance changing the name of certain streets in Lockmere III at Forest Ridge, an addition to the City of Broken Arrow, Wagoner County, Oklahoma; and repealing all ordinances to the contrary

Motion by Thurmond, second by Mahan, to approve the preview ordinances as presented and set them for adoption at the meeting of September 19, 2005.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

Councilwoman Mahan left the room.

11. Ordinances

- 11A. Ordinance No. 2731** not to be codified, authorizing the calling and holding of an election in the City of Broken Arrow, Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of whether the City of Broken Arrow shall give approximately 199 acres located at the northwest corner of the Creek Turnpike and New Orleans to Northeastern State University and allowing for continued use of public land as a four-year college campus without the restriction of a lease; directing that the election be called by resolution; requesting the Tulsa County Election Board to conduct said election and **declaring an emergency**

The Mayor introduced the item. The City Attorney noted that this ordinance was previewed by the Council in their meeting of August 15, 2005. In providing the background, the City Attorney stated that on August 10, 2005, the City Manager received a request from Larry Williams, President of Northeastern State University, requesting a donation of land where NSU is currently located and planned for expansion. Prior to

this request there were a number of informal meetings with NSU staff, as well as City staff members. The City Attorney pointed out that she had performed extensive legal research to determine the feasibility of this type of transaction. Having an institution of higher learning in a community is a benefit: it provides opportunities for individuals to increase their knowledge, it provides an educated work force, it also expands the tax base which enables the City to provide services to our citizens. This ordinance is calling for the vote on November 8, 2005, to give the electors the opportunity to determine whether or not this gift can be made.

Attorney Charles Norman addressed the Council on behalf of the University. He expressed regret on behalf of President Williams who was unable to attend this meeting due to a scheduling conflict. Mr. Norman pointed out that the documents being presented to Council this evening on this item were reviewed and approved by President Williams, other NSU staff members, and the University's General Counsel for the Board of Regents. He recommend that the Council consider approving the documents, as recommended by City staff.

Motion by Thurmond, second by McCaleb, to adopt Ordinance No. 2731.

Aye: Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

Councilwoman Mahan was unavailable for the vote.

Motion by McCaleb, second by Chatterton, to approve the emergency clause of Ordinance No. 2731.

Aye: Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

Councilwoman Mahan was unavailable for the vote.

Councilwoman Mahan returned to the meeting.

City Attorney noted for the record that it was her understanding that Councilwoman Mahan intended to abstain on both of the previous issues.

Councilwoman Mahan confirmed that statement.

To reflect Councilwoman Mahan's abstention, the City Clerk amended the vote recordation as follows:

Motion by Thurmond, second by McCaleb to adopt Ordinance No. 2731.

Aye: Chatterton, McCaleb, Thurmond, Carter

Nay: None

Abstain: Mahan

Motion carried.

Motion by McCaleb, second by Chatterton, to approve the emergency clause of Ordinance No. 2731.

Aye: Chatterton, McCaleb, Thurmond, Carter

Nay: None

Abstain: Mahan

Motion carried.

As a graduate of Northeastern, the Mayor expressed pleasure in being able to participate in tonight's action on behalf of the University. He recalled serving on the Council when efforts to bring NSU to the community first began and stated it is a pleasure to observe the University's success and anticipate its future progress.

The City Attorney directed the Council's attention back to item 9A, which has not yet been heard.

Councilwoman Mahan left the room.

- 9A. **Consideration, possible approval of, and authorization to execute Resolution No. 415, a resolution submitting to the voters of the City of Broken Arrow at a Special Election to be held on November 8, 2005, Ordinance No. 2731 of the City of Broken Arrow approving the gift of approximately 199 acres in Wagoner County to Northeastern State University and allowing for use of public land as a four year college campus without the restriction of a lease**

Mayor Carter introduced the item. The City Attorney provided background information explaining that Resolution No. 415 calls for the election as provided for in Ordinance 2731. She noted that in less than 4 years, Northeastern State University Broken Arrow has grown to an enrollment of over 2,800 students, offering a myriad of degreed programs and certifications.

Provision of these programs far exceed the requirements of the original Development Agreement and the current Lease Agreement. The City Attorney indicated that NSU's success in this endeavor lends credibility to the fact that the University will be a part of Broken Arrow's future.

Councilman McCaleb commended the efforts of the local community who stepped forward when funding was needed to establish a university in Broken Arrow.

Motion by Chatterton, second by McCaleb, to approve Resolution No. 415.

Aye: Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

Councilwoman Mahan returned to the meeting.

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

Councilman Chatterton commended the City's Fire Department who sent a delegation of firefighters to aid the victims of Hurricane Katrina. The Mayor mentioned that the City also sent two ambulances to Camp Gruber to assist with victims arriving at that location. Councilman McCaleb noted that displaced students have begun arriving and have been integrated into the Union School District. The Mayor encouraged the community to lend assistance in any way possible.

Mayor Carter reminded everyone of the groundbreaking ceremony for the widening of Albany/61st Street, scheduled for 9 a.m. on September 7, 2005.

Mayor Carter mentioned he had been contacted recently by a citizen regarding an area on 121st Street, west of Aspen, where large trucks transporting dirt are crossing a bridge with a posted weight limit sign of 5 tons. The Assistant City Manager agreed to look into the situation and take appropriate action.

The Assistant City Manager advised that representatives from the Oklahoma Department of Environmental Quality will conduct an inspection tour of City facilities and processes on September 22, 2005, escorted by the Development Services Director. At the conclusion of the inspection, it is anticipated the City will receive verbal approval, followed by a confirming letter, to complete its own ODEQ inspections and permits.

Motion by Chatterton, second by McCaleb, to recess to the Broken Arrow Municipal Authority Meeting, before returning for Executive Session.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

Council recessed for the Broken Arrow Municipal Authority Meeting.

Following the Broken Arrow Municipal Authority Meeting, the Mayor reconvened the regular session of the City Council Meeting.

Motion by Mahan, second by Chatterton, to take a brief recess before entering into Executive Session.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

Following the brief recess, the Mayor reconvened the regular session of the City Council Meeting.

Motion by Chatterton, second by Mahan, to go into Executive Session.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

13. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and its City Attorney, concerning possible settlement in the case of J. D. Lind v. The City of Broken Arrow and potential litigation concerning a condemnation of a right-of-way under Title 25 O.S. 2001 § 307B4. In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding 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

Following Executive Session, the Mayor reconvened the regular session of the City Council Meeting.

In the matter concerning J.D. Lind v. The City of Broken Arrow:

Motion by Thurmond, second by McCaleb, to proceed with collection of \$1,714.03 in costs awarded by the Court.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

In the matter concerning potential litigation concerning a condemnation of a right-of-way:

Motion by Thurmond, second by Carter, to proceed as directed with regard to potential condemnation.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

14. Adjournment

Motion by McCaleb, second by Chatterton, to adjourn.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

Meeting adjourned.

Mayor

City Clerk

2. GENERAL CORRESPONDENCE / NOTIFICATION

Contact: Krista Flasch
Director of Communications
City of Broken Arrow
Phone: (918) 259-2400, ext. 5309
Mobile: (918) 409-7771
Fax: (918) 259-8226

Plan Identified to Replace City's Outdoor Storm Sirens *Funding request outlined in draft City Budget*

Broken Arrow, Okla. (4/30/14) – Broken Arrow's emergency management team has identified a plan to replace the City's older, aging storm sirens with new omnidirectional sirens.

Omnidirectional sirens are an advanced outdoor warning system, which emits an alarm in all directions at the same time. The 360 degree alarm is louder than the current rotating horn system the City uses. Plus, the omnidirectional sirens would reduce maintenance costs, as there are fewer moving parts to maintain.

"Several of our existing sirens are about to reach the end of their life cycle, which is anywhere from 15 to 20 years," said General Services Director Lee Zirk. "We know the age of every siren in the City and have a plan to replace the older models. It's just a matter of securing the funding to purchase and install the new omnidirectional sirens."

The City Manager's draft FY2015 budget and FY2016 financial plan include the General Services Department's outdoor emergency siren replacement schedule, with monies from the Sales Tax Capital Improvement (STCI) Fund identified as the funding mechanism. STCI funds cannot be used for general government operations.

The City's Emergency Operations Center (EOC) will continue audible storm siren testing now through June, on the first Monday of the month at noon. If the weather is not conducive for testing, the audible test will be conducted on Wednesday of that week.

The EOC conducts silent testing every Monday throughout the year. However, audible testing is conducted during storm season, March through June.

Residents may listen to audio samples of the City's sirens (tornado, flash flood, civil defense) at www.brokenarrowok.gov/siren.

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Contact: Krista Flasch
Director of Communications
City of Broken Arrow
Mobile: (918) 409-7771
Fax: (918) 259-8226

Work Begins on 2014 Streets Preservation Projects

New Street Index identifies locations and types of repairs

Broken Arrow, Okla. (4/29/14) – Work is underway in the South Brook subdivision, as part of the City’s ongoing Streets Preservation initiative.

Crews are removing the old asphalt layer in a process known as milling, then adding a new layer of asphalt. The work is expected to take two more weeks and will cost \$250,000. The City is funding the project through the Sales Tax Capital Improvements (STCI) Fund, which cannot be used for general government operations.

South Brook residents were notified in advance through neighborhood signs, letters and flyers. The City asks that cars be removed from the affected areas, until construction is complete. See attached map to view streets impacted by the renovation.

Other neighborhoods and arterials soon to see street improvements are:

- May/June – Oak Crest Additions; Graham Franklin Park
- June/July – 101st Street from 129th to Garnett
- July/August – Vacation Center Subdivision

“The Mayor and City Council approved the City Manager’s recommended 56 percent increase in street preservation funding this year, so Broken Arrow residents will really start to see street construction ramping up in their neighborhoods,” said City Manager Thom Moton.

Thanks to a recently completed Street Index, the Streets and Stormwater Department is in a better position to prioritize street improvements. A draft of the Street Index (or street conditions report) was presented to Mayor Thurmond and City Councilors at the August 23, 2013 City Council Study Session. The final report contains aerial photo maps indicating which streets need repairs, along with the types of repairs needed.

“Until we completed the Street Index, we didn’t know the total preservation we needed to renovate our streets. Now we know, and we have identified where those repairs will occur based on available funding,” said Steve Arant, Director of Streets and Stormwater.

A copy of the Streets Preservation Report is available at www.brokenarrowok.gov/streetspreservation, or at the Engineering and Construction Department, 485 N. Poplar Avenue. For more information, contact Steve Arant, Director of Streets and Stormwater, at 918-259-7000, ext. 7429.

###



W PRINCETON ST

W OAKLAND ST

W NORMAN ST

W MADISON PL

W MADISON ST

W LANSING PL

N CYPRESS AVE

N BUTTERNUT AVE

NASTER AVE

Traffic Advisory

Contact: Sgt. Ed Ferguson
Broken Arrow Traffic Specialist Unit

City of Broken Arrow Police Department
Phone: (918) 451-8200 ext. 8772
Mobile: (918) 260-6257
Fax: (918) 451-0979

FOR IMMEDIATE RELEASE: Tucson Construction Closure Planned

The street widening projects for Tucson (121st St So) and Aspen (145th E. Av) continue to progress on schedule to widen both Tucson and Aspen from two to five lanes of travel. City officials are pleased to report the roadway on Tucson from Elm Pl (161st E. Av) to Aspen that has been closed for construction of a drainage structure is now open to traffic.

In order to continue the widening and drainage improvements at the intersection of Aspen and Tucson, construction contractors will be authorized by the city to close the roadway on Tucson just west of Aspen for the construction of another drainage structure and to facilitate the widening of the intersection.

Effective on or about May 7th we anticipate that Tucson Street will be closed to all through traffic between Aspen and Olive (129th E. Ave). This closure will result in eastbound traffic having to detour to Florence (111th St. So) or Jasper (131st St. So) to proceed east from Olive and Tucson.

Drivers are encouraged to use alternate routes when travelling through this area and should expect additional travel delays due to the closure and intersection improvements. Motorists are reminded to remain attentive to construction signage including posted speed reductions in the area.

This street closure is expected to last no more than 30 days, weather dependent.

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MEETING AGENDA

The Metropolitan Environmental Trust Board of Trustees
Thursday, May 1, 2014 – 1:00 p.m.
INCOG's Large Conference Room at Williams
Tower II - Two West Second Street, Suite 800

- A. Call to Order**
- B. Roll Call**
- C. Consider, Discuss and Take Appropriate Action on the Following Items:**
 - 1. Approve Minutes for the Board of Trustees Meeting of April 3, 2014**
 - 2. Report of the Finance Committee**
 - a) Consideration to Approve Supplemental Budget Authorizing Appropriation of Additional Revenues as well as the same for FY 13/14 Budget and Approve Budget Report Transfers
 - b) Approve Actions of the Finance Committee from the Meetings on May 1, 2014 Including Receipts and Disbursements for the Month of April for FY 13/14
 - 3. Review and Approve FY 14/15 Contract for Recycling Equipment between the Department of Environmental Quality (DEQ) and The M.e.t.**
 - 4. Household Pollutant Program**
 - a) April 5-6, 2014 Event Reports
 - b) Approval of FY 14/15 Contracts for Cities of Broken Arrow, Claremore, Jenks and Sand Springs
 - 5. Recycling Depot Program**
 - a) March's Material & Revenue Report
 - b) Baling Center Operations
 - c) Approve Renewal Agreement with ORI Environmental for Oil Collection and Processing
 - 6. Agreement with Keep America Beautiful for Volunteer Project with Riverparks**
 - 7. Report of Public Relations**
 - a) Job Posting for Public Relation Position
 - b) Media, Ads, Website
 - c) Friends of the M.e.t., Inc. Enviro Expo's Revenue and Expense Report
 - d) Review of April Events
 - 8. New Business**
- D. Adjourn**

*If you require special accommodations, please notify The M.e.t. by April 30, 2014.

3. SPECIAL EVENTS / ACTIVITIES

**BROKEN ARROW
ROSE SHOW, FESTIVAL & GALA
MAY 17, 2014 NIENHUIS PARK COMMUNITY CENTER**

3201 Lynn Lane (N. 9th), Broken Arrow
North of BA Expressway

10 AM—4 PM

EVERYONE WELCOME — NO CHARGE

Novice Rose Show 10-4

Tulsa Rose Show 12:30-4

Classes: "Enduring Roses" 10:30; "Growing Roses in Containers" 11:30

Garden Clubs & Master Gardeners

Art & Photography Contest Winners

Plant Sale 10-1

Children Activities

Goody Bags to first 100

Food

Tour of the Roses, Downtown Rose District 2:30 Meet at Main Street Tavern

Special Exhibit at BA Historical Museum 10-2

Spectacular Evening Gala

Meet Special Guests, including

Barbie Raney, Exec Director, Tulsa Garden Center

Barry Fugatt, Director Horticulture, Tulsa Garden Center and Linnaeus Gardens

Craig Reiland, Former Horticulturalist Tyler, Texas Rose Gardens

Main Street Tavern 5:30-7:30 pm

Wine, Hors D'oeuvres, Music

Door Prizes Silent Auction Rose Experts

\$30 per person, purchase in advance online

Full Schedule & Times online

KeepBrokenArrowBeautiful.org

Join us on Facebook: Bring Back the Roses

Art & Photo Contest Ages 5-105 Details on line—Deadline May 3, 2014