

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
May 5, 2015  
6:30 PM**

**1. Call to Order**

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

**2. Invocation**

**Section Minutes:** Chaplain Richard Manganero delivered an invocation.

**3. Roll Call**

<b>Present:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Absent:</b>	None

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

**Section Minutes:** Councilor Johnnie Parks led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Thurmond asked if there were any items to remove from the Consent Agenda. Councilor Scott Eudey asked that items 5I and 5J be removed from the Consent Agenda. Mayor Thurmond asked for a motion.

<b>Motion:</b>	<b>Move to approve the Consent Agenda excluding items 5I and 5J</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- A. Approval of meeting minutes of April 21, 2015
- B. Acceptance of minutes of Planning Commission meeting held March 26, 2015
- C. Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Department Use Agreement for the Country Aire swimming pool and bathhouse between the City of Broken Arrow and the R.C. Dickenson Family YMCA of Greater Tulsa (YMCA)
- D. Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Department Use Agreement for the operation of swim lessons at the Family Aquatic Center between the City of Broken Arrow and the R.C. Dickenson Family YMCA of Greater Tulsa (YMCA)
- E. Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Department Use Agreement between the City of Broken Arrow and the Northeast Oklahoma Softball Club, Incorporated (NOSCI) and Broken Arrow Adult Softball Association (BAASA) for the use of the Al Graham Adult Softball Fields (Premises)
- F. Approval of the purchase of two (2) microwave communication systems from Dice Communications from the Western States Contracting Alliance, Contract Number 02702
- G. Approval of and authorization to purchase an audio reinforcement system for the City Council Chambers from Ford Audio-Video pursuant to the Oklahoma State Purchasing Contract
- H. Approval of Final Acceptance for the Public Improvements for Highlands IV located at 1300 South Highlands Boulevard
- I. Approval of BAZ 1934, New Heart Fellowship Church (south parcel), and abrogation of part of SP-172A, 1.05 acres, A-1 to R-2, east of 23rd Street, one-half mile south of New Orleans Street
- J. Approval of BAZ 1935, New Heart Fellowship Church (north parcel), and abrogation of part of SP-172A, 0.61 acres, A-1 to R-2, east of 23rd Street, one-third mile south of New Orleans Street
- K. Approval of the Claims List

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

**Section Minutes:** Councilor Eudey recused himself and left the room.

**5I** Approval of BAZ 1934, New Heart Fellowship Church (south parcel), and abrogation of part of SP-172A, 1.05 acres, A-1 to R-2, east of 23rd Street, one-half mile south of New Orleans Street

Mayor Thurmond asked for discussion or motion on 5I.

<b>Motion:</b>	<b>Move to approve item 5I</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None
<b>Recuse:</b>	Scott Eudey

**5J** Approval of BAZ 1935, New Heart Fellowship Church (north parcel), and abrogation of part of SP-172A, 0.61 acres, A-1 to R-2, east of 23rd Street, one-third mile south of New Orleans Street

Mayor Thurmond asked for discussion or motion on 5J

<b>Motion:</b>	<b>Move to approve item 5J</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Johnnie Parks
<b>Ayes:</b>	Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None
<b>Recuse:</b>	Scott Eudey

Councilor Eudey returned to the room.

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

A. Presentation by the Broken Arrow Youth City Council, and approval of, recognition, and presentation of certificates to the Youth City Council Members

**Item Minutes:** Councilor Parks said that the Youth Council for this year did a tremendous job. He said he appreciated their hard work and he recognized them as a group of leaders. He introduced the Youth Councilors that went to Oklahoma City. Youth Councilors Zarria Young and Winchell Gallardo reported on the experiences of those who attended the Oklahoma Municipal League Day at the Capitol in Oklahoma City on March 16, 2015.

Youth Mayor Katherine Ho, Youth Vice-Mayor Laura Gray and Youth Councilors Hannah Shackelford and AJ Wagoner reported on experiences during their trip to Washington, D.C. to represent Broken Arrow at the National League of Cities, 2015 Congressional Cities Conference.

Councilor Parks and Mayor Thurmond presented the Youth City Council with Certificates of Recognition.

No action was required or taken.

B. Presentation of an annual report by representatives of Cox Communications, a cable service provider with a Non-Exclusive Franchise with the City of Broken Arrow, regarding the services provided by Cox and the operation of the cable system

**Item Minutes:** Director of Public Affairs for Cox Communications, Ms. Tiffani Bruton, presented an annual report concerning the services provided and the operation of the cable system.

Ms. Bruton said that she hoped the community knew that Cox was a strong supporter of Broken Arrow Public Schools, the Broken Arrow Performing Arts Center, the Chamber of Commerce and many other organizations.

No action was required or taken.

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)**

**Section Minutes:** Broken Arrow Citizen, Mr. Richard Pisaturo, addressed the Council on the subject of the Parks Department's swift response to vandalism in Wolfe Creek Park. He said that the neighborhood community planned a block party one day after the vandalism and the Parks Department had removed it all in time for the event. Mr. Pisaturo extended his appreciation and compliments to Mr. Scott Esmond, Director of Parks and Recreation, city staff and the City Council for the support over the past year.

**9. General Council Business**

A. Presentation and discussion of the Broken Arrow Flight Safety and Downtown Tax Increment Financing (TIF) District, including reports on sales tax receipts, ad valorem revenues, financing, and project related expenditures

**Item Minutes:** Assistant to the City Manager and Economic Development Coordinator, Mr. Norm Stephens, told the Council that the City is responsible for a \$13,500,000.00 Tax Increment Financing (TIF) District which would be paid off by new property and sales taxes in the area. Mr. Stephens recapped the sales tax figures for 2014 and 2015 to date. He reviewed the ad valorem taxes of first four months of 2014 as compared to the same time period for 2015 noting that the amount was about half that of 2014. Mr. Stephens said that he learned that the State of Oklahoma had agreed to pay the *ad valorem* taxes for Flight Safety for the next five years beginning in 2015. He said due the State budget shortfalls it was unknown if the payments would be made to Tulsa County or if that would occur in a timely manner. Mr. Stephens pointed out that the *ad valorem* taxes for Flight Safety would be a key part of retiring the TIF debt as scheduled for October, 1, 2030.

Mr. Stephens said that of the \$13,500,000.00 TIF, the City only took out a note for \$9,715,000.00. He continued providing details related to the debt service and interest saying that if current projections remain accurate, the payoff would be scheduled to occur in twenty-one years as opposed to twenty-five years.

Mr. Stephens provided the Council with the Downtown Flight Safety TIF Spending Summary. He reviewed the details of the document. He emphasized that from this point forward any additional funds for incentives that are approved in the TIF district will be paid from the General Fund or Vision Funding.

Mayor Thurmond commented saying that in addition to funds invested in the Rose District by the City, private investments exceed \$20,000,000.00. He said that the City won the award last year from the

International Economic Development Council for public/private partnership acknowledging the success of the downtown development project.

No action was required or taken.

- B. Consideration, discussion, possible approval and direction to publish an Amended Legal Notice of Annexation for the voluntary annexation of approximately 13.04 acres of land located in the South Half (S/2) of the Northwest Quarter (NW/4) of Section Eight (8), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma located south of the Southeast corner of the intersection of East 131st Street and South Garnett Road

**Item Minutes:** Mayor Thurmond turned the meeting over the Vice Mayor Richard Carter and left the room.

Director of Development Services, Mr. Michael Skates, said that while the Amended Legal Notice of Annexation had been previously approved by the Council on April 23, 2015, the map of the area which needed to be included in the publication was unavailable. He said the attorney for the developers had been made aware of this issue and had no objection with re-publication. He said staff recommended that this proposed annex of 13.04 acres be re-published in accordance with State Law which states that the Notice be made public fourteen days prior to the Public Hearing.

Vice Mayor Carter called on Mr. Jimmy Lindsay who had signed up to speak on the issue. Mr. Lindsay stated that he no longer needed to make a comment.

<b>Motion:</b>	<b>Move to approve the Amended Legal Notice of Annexation and direct the City Clerk to provide notice in accordance with State Law</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, and Richard Carter
<b>Nays:</b>	None
<b>Recuse:</b>	Craig Thurmond

Mayor Thurmond returned to the room.

- C. Consideration, discussion, and possible approval of a Wedgewood Pool Park Agreement for an area described as: Reserve B, Wedgewood III, a Subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, Plat No. 3588, filed with the office of the County Clerk, Tulsa County on August 30, 1975 (Wedgewood Pool)

**Item Minutes:** Mr. Skates said that this item was an agreement regarding the Wedgewood Pool Park. He said that the Homeowner's Association (HOA) Board proposed a plan to demolish the pool facility if the City would accept ownership of the land. He said that City Staff from multiple departments met with the HOA Board and it was agreed that since the City currently maintained the adjacent Park area, if the HOA demolished the pool area and the City received the adjacent parking lot, it would be an added asset for the City. He said the HOA had removed everything except the pump house and the fence. He said the agreement defined what is required of the City and the HOA to transfer this property to the City.

Councilor Carter asked if the members of the HOA consented to the agreement. Mr. Skates confirmed that the requirements of the Covenants were fulfilled and the required approval was obtained.

<b>Motion:</b>	<b>Move to approve the Wedgewood Pool Park Agreement and authorize its execution</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- D. Consideration, discussion, and possible acceptance of a General Warranty Deed for Wedgewood Pool Park described as: Reserve B, Wedgewood III, a Subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, Plat No. 3588, filed with the office of the County Clerk, Tulsa County on August 30, 1975 (Wedgewood Pool)

**Item Minutes:** Mr. Skates said that this item accompanies the previous item and is the General Warranty Deed for Reserve B of Wedgewood III, the pool property. He said the remainder of the park area was deeded to the City by the Developer in the 1970's. Mr. Skates said staff recommended the Council accept the General Warranty Deed.

<b>Motion:</b>	<b>Move to accept the General Warranty Deed</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Johnnie Parks
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- E. Consideration, discussion, and possible action on an Emergency Medical Services subscription program for the City of Broken Arrow, to include direction for Staff to prepare all necessary ordinances and other documents to effectuate implementation of the program

**Item Minutes:** Acting City Manager, Mr. Russell Gale, said that during the Fiscal Year 2015 budget discussions, consideration was given to establishing an emergency service subscription fee of not less the \$5.00 per month to assist in offsetting the operating cost for the emergency medical service. He said in the past three years the average annual revenue, generated from essentially insurance payments, has

covered only 42% of the average annual expense to operate emergency medical services which has resulted in a \$2,000,000.00 annual deficit. Mr. Gale said that research conducted by staff though the Fiscal Sustainability Committee had determined that almost all Cities in the metropolitan area have a subscription service billed as part of utility bills. Mr. Gale gave details of various features for example subscription services. He provided projected estimates based on recommended models for the subscription program for the Council to consider.

Mayor Thurmond asked if an opt-out feature was recommended by staff. Mr. Gale said it was thought that an opt-out option would be more palatable to the public, however, with that option comes the necessity to promote a third party administrator to aggressively collect outstanding balances from those who opt out. He said if the fee is mandatory the fee could be less, but legal staff is more comfortable with the opt-out feature. Mayor Thurmond asked for the Council's option on the opt-out option. Councilor Mike Lester suggested an opt-out option with information for the public on the average cost of emergency service. Councilor Lester asked when the collection would begin for outstanding balance amounts after insurance payments had been made. Mr. Gale said August 1, 2015, was the anticipated date collections would go into effect. He said that a marketing campaign would be developed to inform residents of the new program service. Councilor Johnnie Parks asked about the residents outside the City limits that receive service from the City. Mr. Gale said that the recommendation from the Fiscal Sustainability Committee was to develop a rate schedule for the service. He added that details would be provided at the next Council meeting.

<b>Motion:</b>	<b>Move to direct City staff to prepare an Ordinance revision implementing a subscription service with related fees for the provision of emergency medical services which includes an opt out option</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- F. Consideration and possible approval to reschedule the June 2015 Broken Arrow City Council meetings from Tuesday, June 2 and 16, 2015, to Monday, June 1 and 15, 2015, to support citizen attendance at the "Tuesdays in the Park" music event sponsored by the City Parks and Recreation Department

**Item Minutes:** Mr. Gale said that City Council meetings are on the first and third Tuesday of each month which was in conflict with the "Tuesdays in the Park" event which is traditionally supported by the Council. He said this item would reschedule the Council meeting for Monday, June 1 and June 15, 2015.

<b>Motion:</b>	<b>Move to approve rescheduling the June 2015 Broken Arrow City Council meetings from Tuesday, June 2, and 16, 2015 to Monday, June 1 and 15, 2015</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- G. Consideration, possible approval of and authorization to execute a City of Broken Arrow Naming Agreement for Central Park Garden in Honor of Jim and Peggy Nelson

**Item Minutes:** Councilor Eudey recused himself and left the room.

Scott Esmond - Director of Parks and Recreation, Mr. Scott Esmond, told the Council that the Not For Profit organization, Keeping Broken Arrow Beautiful ("KBAB"), had been in place for the past seven years. He gave examples of their accomplishments within the City, including spearheading an effort to make Broken Arrow the City of Roses as it once was in the past, planting roses and trees as well as many other beautification projects. He said the organization was interested in planting a Community/Commemorative Garden at Central Park. He said the plan was to make the area in Central Park a teaching garden. Mr. Esmond said staff had worked with KBAB to promote the plan for the group to design, plant and care for the garden. He said KBAB members had sought financial donors to support the project. Mr. Esmond said that Mr. Jim Nelson indicated he would like to donate \$10,000.00 and has requested that the Garden be named in honor of his parents, Jim and Peggy Nelson. He said that staff was seeking the required approval of Council to name this public area after the Nelson's as required by current policy. Mr. Esmond said the agreement also stipulated the funding, creation and care for the garden will be the responsibility of KBAB.

Councilor Eudey returned to the room.

<b>Motion:</b>	<b>Move to approve the Naming Agreement and authorize its execution</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None
<b>Recuse:</b>	Scott Eudey

- H. Consideration, discussion, and possible approval of the appointment by the Mayor of one member of the City Council to serve on the Downtown Advisory Board in Position One

**Item Minutes:** Mayor Thurmond explained that The Downtown Advisory Board (DAB) had been established by the Council on October 3, 2005, as part of the approval of the Downtown Master Plan to revitalize downtown. He said according to the by-laws of the DAB a member would be appointed from the Council by the Mayor. He said the appointed Councilor would serve as a supporting member and the

Board would have a citizen Chairman and Vice Chairman. Mayor Thurmond said that while Councilor Mike Lester was interested in participating at this time, he suggested that perhaps the Council would like to rotate into the position giving all an opportunity to be involved in the important development of the Downtown Rose District. The Councilor's agreed with the suggestion that would require changing the by-laws of the DAB which required that the appointed Councilor be from the Downtown Ward.

<b>Motion:</b>	<b>Move to approve the Mayor's appointment of Mike Lester to the Downtown Advisory Board</b>
<b>Motion by:</b>	Scott Eudey
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Richard Carter and Craig Thurmond
<b>Nays:</b>	None
<b>Abstain:</b>	Mike Lester

**10. Preview Ordinances**

- A. Consideration, discussion and possible preview of an Ordinance of the City Council of the City of Broken Arrow increasing the Franchise Fee paid by Oklahoma Natural Gas Company (ONG) from 3% to 4% of the gross receipts received from the distribution of natural gas pursuant to Ordinance No. 2383, approved by voters at an election held on October 9, 2001, and granting a 25-year non-exclusive franchise to ONG; repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** City Attorney, Ms. Beth Anne Wilkening, explained that franchise fees are charged to utility companies to cover the cost of right-of-way and acquisition costs paid by the City, among other expenses. She said that this expense had increased in recent years and the franchise fees could be seen a rent paid in order to use the City's right-of-ways. She added that the terms of the current franchise agreement with ONG states that the City of Broken Arrow is entitled to adjust its franchise fee if ONG accepts a franchise agreement from another city having a population above 15,000 residents. Ms. Wilkening said that the issue was considered by the Fiscal Sustainability Committee for the amount of 4%. She added that it would have a positive impact on the City's budget of approximately \$300,000.00.

<b>Motion:</b>	<b>Move to preview the Ordinance and set it for adoption</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

**11. Ordinances**

- A. Consideration, discussion and possible adoption of Ordinance No. 3296, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving PUD 222 zoning classification be placed upon tracts located one-quarter mile west of 23rd Street (County Line Road/193rd East avenue), south of Kenosha Street, and north of the Broken Arrow Expressway, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

**Item Minutes:** Ms. Wilkening said Ordinance 3296 changed the zoning required to update City maps.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3296</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- B. Consideration, discussion and possible adoption of Ordinance No. 3342, an ordinance amending Chapter 2, Administration, Article XIII - Community Development Department, Sec. 2-200. - Established; appointments; duties, specifically changing the name of the Community Development Department to the Development Services Department; repealing all ordinances to the contrary and declaring an emergency

**Item Minutes:** Ms. Wilkening said this was a name change for a department within the City from Community Development to Development Services.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3342</b>
<b>Motion by:</b>	Scott Eudey
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- C. Consideration, discussion and possible adoption of Ordinance No. 3343, an ordinance amending Chapter 3, Air pollutions, Article VI - Smoking in public places, Sec. 3-90 - Smoking in certain public places prohibited; repealing all ordinances to the contrary and declaring an emergency

**Item Minutes:** Ms. Wilkening said that smoking in public places in was controlled by State law. She said this Ordinance has been changed to make it compliant with State law.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3343</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- D. Consideration, discussion and possible adoption of Ordinance No. 3344, an Ordinance repealing Chapter 7, Business regulations and licenses, Article IV - Private detectives, patrolmen and guards, Division 1, Generally, Repealing Section 7-61 - Definitions, Repealing Section 7-62 - Exemptions from article, Repealing Section 7-63 - Identification card, Repealing Section 7-64 - Use of status or credentials to obtain admission or credit, Repealing Section 7-65 - Impersonating police, Repealing Section 7-66 - Use of siren or red or blue lights on vehicle, Repealing Section 7-68 - Procedures in case of change of place of business or change in employment, Section 7-69 - Employees not to divulge information or make false reports, Repealing Section 7-70 - posting required on premises protected by armed guard, Division 2, License, Repealing Section 7-76 - Required; exception, Repealing Section 7-77 - Application, Repealing Section 7-78 - Applicant's qualifications, Repealing Section 7-79 - Approval or disapproval of application, Repealing Section 7-80 - Fee, Repealing Section 7-81 - Issuance, Repealing Section 7-82 - Form and contents, Repealing Section 7-83 - Display, Repealing Section 7-84 - Not transferable, Repealing Section 7-85, Duplicates, Repealing Section 7-86 - Expiration and renewal, Repealing Section 7-87 - Suspension or revocation - Generally, and Repealing Section 7-88, Same - Appeal; repealing all ordinances to the contrary and declaring an emergency

**Item Minutes:** Ms. Wilkening said this Ordinance had been amended with a repeal of an entire section of the code because it is regulated by State Law.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3344</b>
<b>Motion by:</b>	Scott Eudey
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Johnnie Parks
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- E. Consideration, discussion and possible adoption of Ordinance No. 3345, an Ordinance repealing Chapter 7, Business regulations and licenses, Article VI - Massage establishments, Sec. 7-120. - Applications, specifically regarding dates and hours of training; Repealing Chapter 7, Business regulations and licenses, Article VII, Telephone Companies, Division 2, Public pay telephones on city property, Repealing Sec. 7-152. - Definitions, Repealing Sec. 7-153. - Authority to install and operate, Repealing Sec. 7-154. - City to provide space, permit signs, etc., Repealing Sec. 7-155. - Company to furnish and maintain equipment and facilities; authority of power company, Repealing Sec. 7-156. - Ownership of equipment and facilities; nonliability of city, Repealing Sec. 7-157. - City's commission on revenue collected, Repealing Sec. 7-158. - Tax exemption, Repealing Sec. 7-159. - Protection against theft, vandalism, etc., Repealing Sec. 7-160. - Discontinuance of service or removal of facilities generally; company not liable for interruption of service, Repealing Sec. 7-161. - Restoration of city property upon removal; Repealing Chapter 7, Business regulations and licenses, Article X, Motor vehicle escort services, Repealing Sec. 7-252. - Funerals - driving in, Repealing Sec. 7-253. - Parades; repealing all ordinances to the contrary and declaring an emergency

**Item Minutes:** Ms. Wilkening said the bulk of the Ordinance repeals requirements related to therapeutic massage and licenses also repealing sections related pay phones which no longer exist within the City limits.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3344</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- F. Consideration, discussion and possible adoption of Ordinance No. 3346, an Ordinance repealing Chapter 9, Civil defense and disaster relief, Section 9-9. - Exemption from liability for damages resulting from civil defense activities; repealing all ordinances to the contrary and declaring an emergency

**Item Minutes:** Ms. Wilkening said that staff recommended the repeal of Section 9-9 as it was conflict with State law.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3346</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- G. Consideration, discussion and possible adoption of Ordinance No. 3347, an ordinance amending Chapter 13.2 - Human Rights, Article I, In General, Sec. 13.2-21-Definitions, specifically updating definitions as defined by State Statute; Sec. 13.2-22 - Discrimination in the sale or rental of housing, specifically amending to be in compliance with State Statute; Sec. 13.2-25 - Exemption, specifically amending to be in compliance with State Statute Sec. 13.2-28 - Investigations; subpoenas; giving of evidence, Sec. 13.2-29 - Enforcement by private persons, Section 13.2-30 - Interference, coercion or intimidation, specifically amending to clarify the punishment that may be imposed; Sec. 13.2-32 - Prevention of intimidation in fair housing cases specifically amending to clarify the punishment that may be imposed and to prohibit discrimination based upon age; Repealing Sec. 13.2-23 - Discrimination in the financing of housing, Repealing Sec. 13.2-24, Discrimination in providing brokerage services, specifically to be in compliance with State Statute; repealing all ordinances to the contrary and declaring an emergency

**Item Minutes:** Ms. Wilkening said these sections were modified to comply with State Law. She said the changes, reviewed by the Lawyers of the Municipal Code Corporation, clarified punishment and allowed search warrants under certain circumstances.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3346</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

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

**Section Minutes:** Mayor Thurmond expressed appreciation for Councilor Park's dedication to and leadership of the Youth City Council assisted by City staff member Ms. Marcae' Hilton.

Councilor Lester recognized the staff for amazing performance of their jobs. He recounted resent participation of personnel of the City Fire Department who ran the thirteen mile marathon in Oklahoma City in full firefighting gear. He read their names as follows:

Jesse Bain                      Marcus King  
 Kyle Brice                      Jill Boeckman                      Timothy Tynner  
 Justin Williams                      Jarod Moore

Councilor Lester said he wanted to convey a message from a citizen who attended an open meeting held to explain issues the City has faced with the Lynn Lane Treatment Plant and the actions being taken to address those issues. He said the meeting was led by Acting City Manager Mr. Russell Gale, Utilities Director Mr. Anthony Daniel, Director of Engineering and Construction Mr. Doug Tiffany, as well as Mayor Craig Thurmond whose efforts were expressly appreciated by the citizens.

Councilor Johnnie Parks expressed his appreciation for the two hour tour of the Water Plant given to his Bartlesville students by Mr. Anthony Daniel and all the staff at the Plant.

**13. Remarks by Acting City Manager**

**Section Minutes:** Mr. Gale reminded the Council members Monday May 11th there will be a special meeting with Affion Public about City Manager candidates and then on May 12th will be the presentation of the Fiscal Year 2016 Budget.

Mayor Thurmond asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

<b>Motion:</b>	<b>Move to recess in order to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

Mayor Thurmond reconvened the regular Council meeting at approximately 7:43 p.m. and asked for a motion to recess prior to entering into the Executive Session.

<b>Motion:</b>	<b>Move to take a recess prior to entering Executive Session</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

Mayor Thurmond asked for a motion to enter into the Executive Session.

<b>Motion:</b>	<b>Move to enter into Executive Session</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

**14. Executive Session**

A. Executive Session for the purpose of confidential communications between the City Council, the Acting City Manager, and the City Attorney for the purpose of discussing Kevin Schneider v. City of Broken Arrow, a Workers' Compensation Case, to include offers of settlement and taking appropriate action in open session, including authority to settle this matter, under 25 O.S. §307(B)(4). 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 pending litigation 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.

**Item Minutes:** At approximately 7:58 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public. The Mayor asked if there were any motions.

<b>Motion:</b>	<b>Move to find that the Executive Session was necessary to protect the pending litigation in the public interest</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve settlement of the Kevin Schneider worker's compensation claim in the amount of \$25,000.00</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

**15. Adjournment**

**Section Minutes:** The meeting adjourned at approximately 7:59 p.m.

<b>Motion:</b>	<b>Move to adjourn</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Scott Eudey
<b>Ayes:</b>	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

  
 \_\_\_\_\_  
 Mayor



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