

**BROKEN ARROW CITY COUNCIL MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
March 20, 2012**

6:30 PM

1. Call to Order

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

2. Invocation

Section Minutes: There was no one present to deliver an Invocation.

3. Roll Call

Present:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Absent:	None

4. Pledge of Allegiance to the Flag

Section Minutes: Vice Mayor Thurmond led the Pledge of Allegiance.

5. Consideration of Consent Agenda

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

Motion:	Move to approve the Consent Agenda as presented
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- A. Approval of the meeting minutes of March 6, 2012
- B. Approval of and authorization to execute a Proclamation recognizing Arbor Days 2012 as required for the City of Broken Arrow to maintain the designation of "Tree City U.S.A."
- C. Approval of and authorization to execute a Work Payment Agreement with Public Service Company of Oklahoma to relocate distribution and transmission lines for Wolf Creek Drainage Improvements
- D. Approval of and award of sole source quote from Harris Corporation and authorization to purchase ten (10) Portable Radios for New Police Officers
- E. Approval of and award of sole source quote from Sungard Public Sector and authorization to purchase eleven Mobile Data Licenses for New Police Officers
- F. Approval of responsive bids received and award the most advantageous bid to Danny Beck Chevrolet for the purchase of two (2) EMS Support four wheel drive sport utility vehicles
- G. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items removed from the Consent Agenda. No action was required or taken.

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

A. Presentation of the Tree City U.S.A. Award

Item Minutes: City Manager, Mr. Dave Wooden stated that a ceremony was held on March 13, 2012 in Oklahoma City on the grounds of the Governor's Mansion where the State Urban Forester presented the Tree City U.S.A. award to Broken Arrow. He added that the award recognized Broken Arrow for meeting the Tree City U.S.A. criteria for calendar year 2011, and that this is the 12th consecutive year that Broken Arrow has been recognized as a Tree City U.S.A. Mayor Lester presented the award to Parks and Recreation Director, Mr. Scott Esmond.

There was no action required or taken.

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

Mr. Billy Hickman addressed Council regarding the proposed changes to City trash services. Mr. Hickman urged the Council to involve the citizens of Broken Arrow and to give them an opportunity to weigh the pros and cons of changing from trash bags to a cart system. He said the current system works well and that carts will be a mess, dirty, draw insects and make neighborhoods look bad.

Mayor Lester stated that the City is setting up Ward meetings to gather public input. He added that the proposal came in response to citizens' interest in a recycling program and that any changes made will be dependent on citizen input at the Ward meetings. He agreed with Mr. Hickman that the Sanitation Department does a great job.

Mayor Lester called speakers for Item 14, Executive Session. Ms. Brewer said she was speaking regarding the Executive Session matter. Mayor Lester said that comments for the Executive Session item would be heard under this Item because Executive Session was the last item on the Agenda.

Ms. Rachel Brewer thanked the Mayor, Vice Mayor Thurmond and Councilor Norman for attending meetings with the Bureau of Indian Affairs (BIA) and the National Indian Gaming Commission (NIGC) while they were in Washington DC. Ms. Brewer thanked Mr. Wooden for not looking at the proposed casino's plans that were recently submitted to the City. She asked Council to table the Executive Session if the item listed on the Agenda pertained to the termination of Mr. Wooden's contract.

Mayor Lester called Ms. Ronda Vuillemont-Smith. She was not present to speak.

Mr. Gene Evans addressed Council stating that while he commends Mr. Wooden's action regarding not reviewing the recent plans submitted for the proposed casino, he does not commend previous actions. Mr. Evans said that he thought the Executive Session item might relate to an extension of Mr. Wooden's contract or termination. Mr. Evans said that it might be time for Broken Arrow to have a new City Manager or a new form of City government. He added that even though it might be time to reassess City government because Broken Arrow is no longer a sleepy small town, Mr. Evans urged that hasty decisions should be avoided and adequate time should be taken to do a performance evaluation. Mr. Evans asked that Council table this item.

Mr. Rob Martinek stated that he agreed with the other speakers regarding the Executive Session. He said that he appreciated Council members meeting with the BIA and NIGC; that he liked the City Manager's updates on-line; and, that he commended the City's not reviewing the recently submitted plans for the proposed casino. He stated that he thought the Executive Session item might pertain to Mr. Wooden's contract. Mr. Martinek said that he had no doubts about Mr. Wooden's loyalty and dedication to the City, and believes that Mr. Wooden is an outstanding engineer and has many accomplishments. Mr. Martinek said that he does not believe this warrants an automatic contract renewal but that he does not support an automatic removal of Mr. Wooden. Mr. Martinek asked the Council to do a comprehensive performance review, urged that when the time comes to look at other candidates, to do so in open session rather than in a closed door session.

Mayor Lester said that there seemed to be a misunderstanding about the Executive Session item and that the City Manager had a few comments.

Mr. Wooden said that the Executive Session item was not about his contract. He said that it was the time of year for budgeting, and he was asking for direction from the City Council regarding budgeting and a time frame for adding money to the budget for a new City Manager. Mr. Wooden said that at the time he accepted the City Manager position, he never intended to take the job on a long term basis, and that he certainly did not want the job. He said that he plans to retire and that means planning ahead for a smooth transition in the City from one City Manager to another, determining when Council wants money in the budget for a new hire and other considerations to prepare for seeking candidates and hiring.

9. General Council Business

- A. Consideration and possible approval of and authorization to execute Resolution No. 734 adopting the Broken Arrow Multi-Hazard Plan 5-year Update

Item Minutes: Mr. Wooden stated that the Broken Arrow Engineering and Construction Department and Emergency Manager have worked over the past 18 months to update the Broken Arrow Multi-Hazard Mitigation Plan. He explained that multi-hazard mitigation plans require 5 year updates and a Resolution in order for communities to be eligible for FEMA Hazard Mitigation Grants. Mr. Wooden stated that the plan update was developed in coordination with the Broken Arrow Public School System and Union Public School System, and that the draft of the Plan update was forwarded to the two public school systems Mr. Wooden said that a draft of the Plan is available on the City of Broken Arrow web site.

Motion:	Move to approve and authorize execution of Resolution No. 734 adopting the Broken Arrow Multi-Hazard Plan 5-year Update
Motion by:	Craig Thurmond
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- B. Consideration and possible approval of the vision of short/long term actions and the proposed organization necessary for effective provision of services by the Broken Arrow City government

Item Minutes: Mr. Wooden stated that the City needs to establish its vision and proposed future organization to provide guidance for future decisions on the direction of the City. He said that such a vision for the future does not mean that there will not be adjustments as the situation changes but that it does provide a framework for budgeting decisions that are necessary to ensure adequate funding for required services. Mr. Wooden explained that City staff reviewed the current and future service requirements in an effort to determine what challenges the City will face in providing required services and that staff members provided their vision of the actions the City needs to take to prepare for future requirements. Mr. Wooden stated that the Council received a listing of proposed short and long term actions and that from this listing, a proposed future organization was developed. He added that a list of short and long term actions and the proposed organization was included with the Agenda Fact Sheet, and he briefly reviewed the information. Councilor Norman recommended that the motion for this item include the "with adjustments as needed".

Motion:	Move to approve the vision of short/long term actions and the proposed organization necessary for effective provision of services by the Broken Arrow City government with adjustments as needed
Motion by:	Jill Norman
Second by:	Craig Thurmond
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

10. City Manager’s Report

Section Minutes: There was no City Manager's report.

11. Preview Ordinances

- A. Consideration, discussion, and possible action on an Ordinance adopting Wagoner County, Oklahoma and Incorporated Areas Flood Insurance Study (FIS) and Digital Flood Insurance Rate Map (DFIRM)

Item Minutes: Mr. Wooden explained that this Preview Ordinance addresses the Final Flood Elevation Letter of Determination for the Wagoner County and Incorporated Areas FIS and DFIRM that was issued by FEMA on October 17, 2011; and, he said that the public review and appeals period of the flood study is complete. Mr. Wooden stated that all communities within Wagoner County participating in the National Flood Insurance Program (NFIP) are required to adopt the revised floodplain boundaries and floodplain study by the effective date of April 17, 2012 in order to remain a participant in the NFIP.

Motion:	Move to set the preview ordinance for adoption at the next Council meeting
Motion by:	Richard Carter
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

12. Ordinances

- A. Adoption of Ordinance No. 3199 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1871 and granting R-2 zoning to be placed upon the tract (one-eighth mile ease of Lynn Lane Road, south of Jasper Street), repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Item Minutes: Mr. Wooden stated that BAZ 1871 was approved by the City Council on January 3, 2012, and that platting was waived provided right-of-way and utility easements were dedicated along Jasper Street (131st Street) in accordance with the Subdivision Regulations. Mr. Wooden said that the required right-of-way and utility easement were recorded in Tulsa County on January 5, 2012 and that as stipulated by Council for property located within the 100-year floodplain, this property was designated FD (Floodplain District), while property located outside the floodplain was zoned R-2 (Single-Family Residential). Mr. Wooden stated that all requirements had been met and Ordinance 3199 is presented for adoption.

Motion:	Move to adopt Ordinance No. 3199
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Motion:	Move to approve the Emergency Clause for Ordinance 3199
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- B. Adoption of Ordinance No. 3200 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1869 and granting RS-2 zoning to be placed upon the tract (1,000 feet south of the southwest corner of Evans Road and Washington Street), repealing all Ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Item Minutes: Mr. Wooden stated that BAZ 1869 was approved by the City Council on September 20, 2011 and that platting was waived provided right-of-way and utility easements were dedicated along Evans Road (225th E. Avenue) in accordance with the Subdivision Regulations. The required right-of-way and utility easement were recorded in Wagoner County on December 27, 2011, and Ordinance 3200 is presented for adoption.

Motion:	Move to adopt Ordinance No. 3200
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Motion:	Move to approve the Emergency Clause for Ordinance 3200
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor Carter said he wanted to acknowledge all the work the City has done to improve stormwater runoff and reduce flooding. He said that the recent heavy rainfall would usually cause flooding and result in closing 7ast Street at Covington. He said that was not necessary during the past rain storms. He thanked the Engineering Department for their good work.

Mr. Wooden reported that Broken Arrow areas received over four inches of rain and there were no road closures. He added that the improvements at Glen Eagles and Steeplechase Farms worked well, and Fairway Park stormwater detention improvements also worked well and reduced the flow into Adams Creek. Mr. Wooden said that the creek cleaning work helped tremendously especially in Haikey Creek, and there was no flooding at 101st and Garnett.

At approximately 7:01p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

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

Mayor Lester reconvened the regular session of the City Council at approximately 7:04 p.m.

Mayor Lester asked for a brief recess to clear the room prior to entering into Executive Session.

Motion:	Move to recess prior to entering into Executive Session
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Mayor Lester reconvened the regular session at approximately 7:10 p.m.

Motion:	Move to enter into Executive Session
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

14. Executive Session Executive Session for the purpose of discussing the employment of the City Manager, David L. Wooden, and taking appropriate action as necessary in open session, including the direction regarding the City Manager's contract, under 25 O.S. § 307 (B)(1); After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Lester reconvened the regular session of the City Council at approximately 8:14 p.m. and stated that Council was now in open session. The room was opened for those in attendance.

The Mayor asked if there were any motions.

Motion:	Move to table until sometime in the future
Motion by:	Craig Thurmond
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 8:20 p.m.

Motion:	Move to adjourn
Motion by:	Jill Norman
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Mayor

Attest:

City Clerk