

BROKEN ARROW CITY COUNCIL MINUTES
February 18, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Monday, February 18, 2008, at 6:30 p.m.

1. Call to Order

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

2. Invocation

Section Minutes: The Invocation was delivered by Shane Hickey of Fellowship Christian Church.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Section Minutes: Councilman Carter led the Pledge of Allegiance.

5. Consideration of Consent Agenda

- A. Approval of the regular meeting minutes of January 22, 2008
- B. Approval of the regular meeting minutes of February 4, 2008
- C. Approval of the special meeting minutes of February 11, 2008
- D. Acceptance of minutes of a Planning Commission meeting held January 24, 2008
- E. Approval of and authorization to execute a Proclamation declaring February 23, 2008 "Margaret Crawford Day" in the City of Broken Arrow
- F. Approval of and authorization to execute a Proclamation declaring March 2008 as "Arbor Days" in the City of Broken Arrow, Oklahoma
- G. Approval of appointment of Jeff Hewett to the Convention and Visitors' Bureau, which term will expire September 2009
- H. Approval of the Amended 2008 Annual Meeting Calendar, to reflect the change in City Council and Broken Arrow Municipal Authority meeting dates to the first and third Tuesdays of each month
- I. Approval of Traffic Calming Policy implementation on Fir Avenue from Kenosha Street (71st Street) to Houston Street (81st Street)
- J. Approval of BAZ 1795, 0.43 acres, 1 lot, R-1 to R-2, one-half mile north of Florence Street (111th Street), east of Mingo Road (97th East Avenue), at 6004 West Twin Oaks Street
- K. Approval of SP 221, Metro Tulsa Soccer Club Complex, 32 acres, A-1 and SP 163, south of Florence Street (111th Street), one-half mile west of Olive Avenue (129th East Avenue)
- L. Approval of PT07-119, Conditional Final Plat of Venture 777, 5.26 acres, 1 lot, I-S (BAZ 1772), south of State Highway 51, one-quarter mile west of Evans Road (225th East Avenue)
- M. Approval of PUD 187 & BAZ 1796, Copper Leaf Village, 14.07 acres, 1 lot, AR-5 and AC-5 to R-6 and PUD 187, north and east of the northeast corner of Albany Street (61st Street) and 23rd Street (County Line Road/193rd East Avenue)
- N. Approval of bids received and award of the most advantageous bid to Blanchat MFG, for a 2008 brush truck
- O. Approval of bids received and award of the most advantageous bid to Magnum Construction, Inc., for Ray Harral Nature Center improvements
- P. Approval of and authorization to execute a Release of License To Construct Temporary Traffic Turnaround in The Estates at Pembroke Park Blocks 9 Through 15

Item Minutes: Item 5P was pulled from the Consent Agenda for separate consideration.

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P. Approval of and authorization to execute a Release of License To Construct Temporary Traffic Turnaround in The Estates at Pembroke Park Blocks 9 Through 15

Item Minutes: Item 5P was pulled from the Consent Agenda for separate consideration.

- Q. Acceptance of a Utility Easement from Cedar Ridge Country Club, Inc. (S30 T18N R14E) [Project: Berwick on Cedar Ridge Phases II and III]
- R. Acceptance of a Utility Easement from Katy Park, a Limited Partnership (S20 T18N R15E) [Project: Venture 777]
- S. Approval of the Claims List

Section Minutes: Vice Mayor Lester requested that Item 5P be pulled from the Consent Agenda. Mayor McCaleb asked for a motion to approve the Consent Agenda except for Item 5P.

Motion:	Move to approve the Consent Agenda with the exception of Item 5P.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

6. Consideration of Items Removed from Consent Agenda

- 5P. Approval of and authorization to execute a Release of License To Construct Temporary Traffic Turnaround in The Estates at Pembroke Park Blocks 9 Through 15

Section Minutes: Dave Wooden presented this Item. He explained that when this subdivision was platted, a temporary turnaround was provided, since this closed end street is over 500 feet long. The entire turnaround easement was placed on Lot 3, Block 13, which made the front building line on this lot 50 feet. The minimum required front building line is 25 feet.

Attorney Roy Johnson, 201 W. 5th Street, addressed Council on behalf lot owner, Perry Hood. Mr. Johnson requested that the easement for a temporary turn-around (which has not been built yet) be vacated so they can build a residence with a 25 foot building line. Vice Mayor Lester expressed concerns regarding safety issues that might arise without a turn-around, such as school buses and fire trucks being able to turn around without backing down the street. Mr. Wooden said that City staff and Fire Department Staff looked at the area and agreed that it would not pose a safety hazard to make the requested change. He added that the school bus picks up students at a designated corner and not in the cul-de-sac.

Motion:	Move to approve a Release of License To Construct Temporary Traffic Turnaround in The Estates at Pembroke Park Blocks 9 Through 15.
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Philip Tucker, Wade McCaleb
Nays:	Craig Thurmond, Mike Lester

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

- A. Presentation: Approval, authorization to execute and presentation of a Proclamation declaring March 9, 2008 "Roller Derby Bout Against Breast Cancer Day" in the City of Broken Arrow

Item Minutes: Mayor McCaleb presented the Proclamation to Ms. Judy Grove of Breast Impressions, Inc. and two representatives from the Roller Derby Girls.

He asked for a Motion to declare March 9, 2008 "Roller Derby Bout Against Breast Cancer Day".

Motion:	Move to approve the Proclamation declaring March 9, 2008 "Roller Derby Bout Against Breast Cancer Day" in the City of Broken Arrow.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

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

Section Minutes: Mayor McCaleb noted that the time was not yet 7:00 p.m. He moved to Item 9 and stated Council would return to Item 8 at 7:00 p.m.

9. General Council Business

- A. Consideration of and possible approval to execute Resolution No. 509 - a resolution fixing the amount of bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law and declaring an emergency; approving a Legal Services Agreement and ratifying a Financial Advisor Services Agreement with respect to the issuance of the bonds and approving the Preliminary Official Statement pertaining thereto

February 18, 2008

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Q. Acceptance of a Utility Easement from Cedar Ridge Country Club, Inc. S30 T18N R14E)

Project: Berwick on Cedar Ridge Phases II and III]

R. Acceptance of a Utility Easement from Katy Park, a Limited Partnership S20 T18N R15E)

Project: Venture 777]

S. Approval of the Claims List

Section Minutes: Vice Mayor Lester requested that Item 5P be pulled from the Consent Agenda.

Mayor McCaleb asked for a motion to approve the Consent Agenda except for Item 5P.

Motion: Move to approve the Consent Agenda with the exception of Item 5P.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

6. Consideration of Items Removed from Consent Agenda

5P. Approval of and authorization to execute a Release of License To Construct Temporary Traffic Turnaround in The Estates at Pembroke Park Blocks 9 Through 15

Section Minutes: Dave Wooden presented this Item. He explained that when this subdivision was platted, a temporary turnaround was provided, since this closed end street is over 500 feet long. The entire turnaround easement was placed on Lot 3, Block 13, which made the front building line on this lot 50 feet. The minimum required front building line is 25 feet.

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Street, addressed Council on behalf lot owner, Perry Hood. Mr.

Johnson requested that the easement for a temporary turn-around which has not been built yet) be vacated so they can build a residence with a 25 foot building line. Vice Mayor Lester expressed concerns regarding safety issues that might arise without a turn-around, such as school buses and fire trucks being able to turn around without backing down the street. Mr. Wooden said that City staff and Fire Department Staff looked at the area and agreed that it would not pose a safety hazard to make the requested change. He added that the school bus picks up students at a designated corner and not in the cul-de-sac.

Motion: Move to approve a Release of License To Construct Temporary Traffic Turnaround in The Estates at Pembroke Park Blocks 9 Through 15.

Motion by: Richard Carter

Second by: Craig Thurmond

Ayes: Richard Carter, Philip Tucker, Wade McCaleb

Nays: Craig Thurmond, Mike Lester

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

A. Presentation: Approval, authorization to execute and presentation of a Proclamation declaring

March 9, 2008 Roller Derby Bout Against Breast Cancer Day" in the City of Broken Arrow
Item Minutes: Mayor McCaleb presented the Proclamation to Ms. Judy Grove of Breast Impressions, Inc. and two representatives from the Roller Derby Girls.
He asked for a Motion to declare March 9, 2008 Roller Derby Bout Against Breast Cancer Day".
Motion: Move to approve the Proclamation declaring March 9, 2008 Roller Derby Bout Against Breast Cancer Day" in the City of Broken Arrow.
Motion by: Mike Lester
Second by: Philip Tucker
Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays: None

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

Section Minutes: Mayor McCaleb noted that the time was not yet 7:00 p.m. He moved to Item 9 and stated Council would return to Item 8 at 7:00 p.m.

9. General Council Business

A. Consideration of and possible approval to execute Resolution No. 509 a resolution fixing the amount of bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law and declaring an emergency; approving a Legal Services Agreement and ratifying a Financial Advisor Services Agreement with respect to the issuance of the bonds and approving the Preliminary Official Statement pertaining thereto

Item Minutes: Jim Twombly, City Manager, presented Item 9A. He explained that the proposed sale would be the fourth series of bonds to be issued pursuant to the election held May 11, 2004. He said that the funds from this fourth series will be utilized for Streets in the amount of \$10,077,500 and Public Safety in the amount of \$607,500.

Mr. Twombly said that street projects proposed to be addressed with these funds are:

- 1) Widening Olive to 3 lanes from Houston to Washington;
- 2) Widening New Orleans to 3 lanes from 9th to 23rd;
- 3) Widening Kenosha to 5 lanes from 37th to the Creek turnpike and
- 4) Widening Kenosha to 5 lanes from 23rd to 37th.

He said that Public Safety projects included additional storm warning sirens and the Police Department renovation.

Mr. Twombly added that \$12,020,000 of the general obligation bonds approved by citizens in 2004 will remain to be sold after this proposed sale. He said that Mr. John Wolfe of Municipal Finance Services was in attendance to answer any questions.

Motion:	Move to approve Resolution No. 509.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- B. Consideration, possible approval of and authorization to execute an Agreement between the City of Broken Arrow and Auburndale-Halifax Broken Arrow, LLC and Broken Arrow Improvement Company, for the construction of public infrastructure within a 65-acre site located east of 9th Street (Lynn Lane) along Hillside Drive at The Shops At Broken Arrow

Item Minutes: Michael Skates presented Item 9B and provided a brief background as presented in the Fact Sheet provided with the Agenda.

Motion:	Move to approve the Agreement between the City of Broken Arrow and Auburndale-Halifax Broken Arrow, LLC and Broken Arrow Improvement Company.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- C. Consideration and possible acceptance of a Quit Claim Deed for property located in the Northside Addition to the City of Broken Arrow, Tulsa County, Oklahoma from Tulsa County Board of Commissioners

Item Minutes: Mr. Twombly presented the Item requesting acceptance of the Quit Claim Deed of property for City ownership. Vice Mayor Lester said there had been a lot of confusion and he said the Civitans wanted to be a part of the discussions. Ms. Wilkening said that she had recused herself from discussions because her husband works for the County. She said at the time Vice Mayor Lester spoke with the County, he was told the deed had been pulled but in fact the deed had been transferred. Mr. Twombly said that the City's interest was to assure the property, also know as "Civitan Plaza", would remain an open space that is attractive, that it would retain the association with Civitans as was its history, and that Quick Trip would be a part of discussions regarding landscaping.

Vice Mayor Lester asked Mr. Twombly if the action tonight is in regards to acceptance by the City of the Deed from the County, and not any other agreements. Mr. Twombly said that was correct.

Stephen A. Schuller, attorney representing Quick Trip, asked to address Council. He said that Quick Trip was willing to work with Civitans and was aware of the long time association of the property with the Civitans organization. He said he would like to clarify some of the background relating to the Deed. Mr. Schuller said that the County deeded the right-of-way to the City of Broken Arrow but the City had not accepted the Deed. As a result, the Quit Claim Deed was filed of record by the County but no action was taken by the City, as was being done tonight. Mr. Schuller said that once the City officially accepts the Deed from the County, the City would own the public road right of way but Quit Trip would have a reversionary interest so if the City were to close the road, Quick Trip could file an action in District Court to have the public easement vacated. He added that otherwise the City owned the road and had the right to use it for the public interest.

Motion:	Move to accept the Quit Claim Deed.
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Item Minutes: Jim Twombly, City Manager, presented Item 9A. He explained that the proposed sale would be the fourth series of bonds to be issued pursuant to the election held May 11, 2004. He said that the funds from this fourth series will be utilized for Streets in the amount of \$10,077,500 and Public Safety in the amount of \$607,500.

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Mr. Twombly added that \$12,020,000 of the general obligation bonds approved by citizens in 2004 will remain to be sold after this proposed sale. He said that Mr. John Wolfe of Municipal Finance Services was in attendance to answer any questions.

Motion: Move to approve Resolution No. 509.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

B. Consideration, possible approval of and authorization to execute an Agreement between the City of Broken Arrow and Auburndale-Halifax Broken Arrow, LLC and Broken Arrow Improvement Company, for the construction of public infrastructure within a 65-acre site located east of 9th Street Lynn Lane) along Hillside Drive at The Shops At Broken Arrow

Item Minutes: Michael Skates presented Item 9B and provided a brief background as presented in the Fact Sheet provided with the Agenda.

Motion: Move to approve the Agreement between the City of Broken Arrow and

Auburndale-Halifax Broken Arrow, LLC and Broken Arrow Improvement Company.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

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Motion: Move to accept the Quit Claim Deed.

Motion by: Craig Thurmond

Second by: Richard Carter

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

Nays: None

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

Section Minutes: Upon completion of the discussion relating to Item 9C, Mayor McCaleb noted that it was a little past 7:00 p.m. [7:08 p.m.]

Ms. Linda Fagundes, 121 South Indianwood, addressed the Council on the topic of the 2008 City of Broken Arrow Employee Survey. She said she requested the Employee Survey on January 7, 2008 via an Open Records Request, but did not receive a response until February 9, 2008 when she received a packet of information. Ms. Fagundes stated that the City was in violation of the Open Records Act by not providing public information and not providing it in a timely manner. She added that the City Attorney told her the Survey did not belong to the City and was in the possession of the National Research Center, with whom the City contracted to conduct the survey. Ms. Fagundes said that her sources in the City had informed her that the survey would be destroyed.

Mr. Twombly responded that the Employee Survey was confidential, and City employees were assured prior to participation in the survey, that it would be confidential. Mr. Twombly added that the City contract with the National Research Center was for the Center to conduct the survey and to provide the City with an aggregate summary of results. He said the City had no interest in knowing the responses of any individual employees and the contract was designed to maintain anonymity and confidentiality. He said the contract calls for destruction of the surveys by the National Research Center, and this is standard procedure for the Center to assure that employees cannot be traced to any responses or comments. Mr. Twombly pointed out that a member of City Clerk's staff (Ms. Fagundes served as City Clerk until her retirement in summer 2007) addressed council prior to the survey being conducted, seeking assurance that surveys would be confidential. He also pointed out that the survey was handled through the City Managers office and not Human Resources.

Mayor McCaleb said that it was indeed a part of the contract terms that the City would not receive the actual surveys but would only receive aggregate results to insure that Council would never see employee responses on any surveys. Ms. Wilkening said she responded to Ms. Fagundes' request by phone soon after receiving the document request. Ms. Wilkening added that she received the documents in her office within a day or two of Ms. Fagundes' request, and had spoken to Ms. Fagundes by phone to notify her that it would take some time to review the material. Ms. Wilkening said that a large portion of the records were emails, and that she invited Ms. Fagundes to come to the office to look through the material and mark anything she wanted. Ms. Wilkening said she offered that in order to help move the process along. Ms. Wilkening said that Ms. Fagundes came in person to the legal department, went through the documents, and marked the documents that she wanted. Ms. Wilkening said that staff photocopied the documents Ms. Fagundes marked, and the packet of documents was sent to Ms. Fagundes with a cover letter from Ms. Wilkening.

9. **General Council Business**

D. Consideration of nominations to fill a vacancy on the Broken Arrow Board of Adjustment created by the resignation of Richard (Jack) Keeling, which term expires May 5, 2009

Item Minutes: Mayor McCaleb announced Stan Evetts as his nominee for the vacancy, noting Mr. Evetts is very active in the community.

Motion:	Move to nominate Stan Evetts to the Broken Arrow Board of Adjustment.
Motion by:	Wade McCaleb
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

E. Consideration of reappointment of Johnnie Parks to serve an additional 3-year term on the Broken Arrow Planning Commission, which term will expire May 2011

Item Minutes: Mayor McCaleb noted this position falls under Councilman Tucker.

Councilman Tucker recommended reappointment of Mr. Parks.

Motion:	Move to reappoint Johnnie Parks to serve an additional 3-year term on the Broken Arrow Planning Commission.
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

F. Consideration and possible approval of City's 2008 Federal Legislative Issues which include Immigration Reform, Telecommunications Reform, Commuter Rail, and Community Development Block Grant funding

Item Minutes: Mr. Twombly presented this Item noting he, Mayor McCaleb, Vice-Mayor Lester, Councilman Thurmond, Councilman Tucker, and Intergovernmental Relations Director Terri Cleveland

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

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9. General Council Business

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Item Minutes: Mayor McCaleb announced Stan Evetts as his nominee for the vacancy, noting Mr. Evetts is very active in the community.

Motion: Move to nominate Stan Evetts to the Broken Arrow Board of Adjustment.

Motion by: Wade McCaleb

Second by: Mike Lester

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

Nays: None

E. Consideration of reappointment of Johnnie Parks to serve an additional 3-year term on the Broken Arrow Planning Commission, which term will expire May 2011

Item Minutes: Mayor McCaleb noted this position falls under Councilman Tucker.

Councilman Tucker recommended reappointment of Mr. Parks.

Motion: Move to reappoint Johnnie Parks to serve an additional 3-year term on the Broken Arrow Planning Commission.

Motion by: Philip Tucker

Second by: Craig Thurmond

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

Nays: None

F. Consideration and possible approval of City's 2008 Federal Legislative Issues which include Immigration Reform, Telecommunications Reform, Commuter Rail, and Community Development Block Grant funding

Item Minutes: Mr. Twombly presented this Item noting he, Mayor McCaleb, Vice-Mayor Lester, Councilman Thurmond, Councilman Tucker, and Intergovernmental Relations Director Terri Cleveland

would be attending the National League of Cities Congressional City Conference in Washington, D.C. the week of March 9th. He explained that as a part of that trip, they scheduled appointments with Broken Arrow's congressional delegation with whom they would discuss the issues which are of importance to the City. Mr. Twombly gave a brief description of each issue.

Mayor McCaleb commented the second paragraph of the Immigration Reform item did not correspond with the resolution Council passed recently. He said that the wording of the Legislative Issue sounded like a form of amnesty, which he is not in favor of, and he requested that the wording of this item be changed to the original wording in the resolution.

Mr. Twombly stated the language was taken from the National League of Cities and agreed this wording was different from the resolution.

Mayor McCaleb stated that he was not in favor of amnesty programs. Council generally agreed with Mayor McCaleb's request, although Councilman Carter said he was not entirely opposed to the new wording. Council discussed adding additional items from the President's budget including, funding for CDBG, Homeland Security First Responder and Law Enforcement.

Motion:	Move to approve the Legislative Issues except to insert the City's Resolution on Immigration Reform and add concerns in cuts in funding of Community Development Block Grants, Law Enforcement, and Homeland Security.
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

10. City Manager's Report

A. Report on Business License

Item Minutes: Jim Twombly presented the report providing background as presented in the Fact Sheet provided with the Agenda. He noted the purpose of implementing a full-spectrum business licensing program is to ensure the businesses which operate in Broken Arrow are following all relevant codes including Fire, Zoning, Building, etc. Mr. Twombly added that failure to meet code requirements can result in loss of property value, inconvenience or hardship to neighboring businesses, and unsafe or unhealthy working conditions. Discussion covered established businesses versus new businesses; impact of increased workload on staff, and concerns about increasing costs for businesses.

B. Security at City Council Meetings

Item Minutes: Jim Twombly gave background as presented in the Fact Sheet provided with the Agenda. Discussion covered concerns regarding keeping government approachable and taking reasonable measures to improve security for the public and Council without going to large expense.

11. Preview Ordinances

Section Minutes: There were no items to consider and no action was taken.

12. Ordinances

Section Minutes: There were no items to consider and no action was taken.

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mayor McCaleb said he would like to present a Proclamation declaring February 23, 2008 as Broken Arrow Spay Day 2008. Since February 23 was the coming Saturday, he asked that Council ratify the Proclamation at the March 4, 2008 Council meeting.

Mayor McCaleb asked for a Motion to at 8:16 p.m. to enter into BAMA

Motion:	Move to recess the Council meeting to enter into BAMA.
Motion by:	Craig Thurmond
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

The Mayor reconvened the regular session at the noted time of 8:22 pm.

Motion:	Move to take a short recess before returning for Executive Session.
Motion by:	Craig Thurmond
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

would be attending the National League of Cities Congressional City Conference in Washington, D.C. the week of March 9th. He explained that as a part of that trip, they scheduled appointments with Broken Arrow's congressional delegation with whom they would discuss the issues which are of importance to the City. Mr. Twombly gave a brief description of each issue.

Mayor McCaleb commented the second paragraph of the Immigration Reform item did not correspond with the resolution Council passed recently. He said that the wording of the Legislative Issue sounded like a form of amnesty, which he is not in favor of, and he requested that the wording of this item be changed to the original wording in the resolution.

Mr. Twombly stated the language was taken from the National League of Cities and agreed this wording was different from the resolution.

Mayor McCaleb stated that he was not in favor of amnesty programs. Council generally agreed with Mayor McCaleb's request, although Councilman Carter said he was not entirely opposed to the new wording. Council discussed adding additional items from the President's budget including, funding for CDBG, Homeland Security First Responder and Law Enforcement.

Motion: Move to approve the Legislative Issues except to insert the City's Resolution on Immigration Reform and add concerns in cuts in funding of Community Development Block Grants, Law Enforcement, and Homeland Security.

Motion by: Wade McCaleb

Second by: Craig Thurmond

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

Nays: None

10. City Manager's Report

A. Report on Business License

Item Minutes: Jim Twombly presented the report providing background as presented in the Fact Sheet provided with the Agenda. He noted the purpose of implementing a full-spectrum business licensing program is to ensure the businesses which operate in Broken Arrow are following all relevant codes including Fire, Zoning, Building, etc. Mr. Twombly added that failure to meet code requirements can result in loss of property value, inconvenience or hardship to neighboring businesses, and unsafe or unhealthy working conditions. Discussion covered established businesses versus new businesses; impact of increased workload on staff, and concerns about increasing costs for businesses.

B. Security at City Council Meetings

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11. Preview Ordinances

Section Minutes: There were no items to consider and no action was taken.

12. Ordinances

Section Minutes: There were no items to consider and no action was taken.

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mayor McCaleb said he would like to present a Proclamation declaring February 23, 2008 as Broken Arrow Spay Day 2008. Since February 23 was the coming Saturday, he asked that Council ratify the Proclamation at the March 4, 2008 Council meeting.

Mayor McCaleb asked for a Motion to at 8:16 p.m. to enter into BAMA

Motion: Move to recess the Council meeting to enter into BAMA.

Motion by: Craig Thurmond

Second by: Mike Lester

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

Nays: None

The Mayor reconvened the regular session at the noted time of 8:22 pm.

Motion: Move to take a short recess before returning for Executive Session.

Motion by: Craig Thurmond

Second by: Philip Tucker

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

Nays: None

The Mayor reconvened the regular session at the noted time of 8:33 pm.

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

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on matters concerning the purchase and appraisal of approximately 80 acres of real property located north of Kenosha between North 27th Street and North 31st Street under 25 O.S §307(B)(3); and Double Eagle Refinery Superfund Site, Oklahoma City, Oklahoma - Small Party Settlement Offer; and The City of Broken Arrow v. Perkins Development Corporation, et al. Tulsa County District Court Case Number CJ-2007-07891; 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.

The Mayor reconvened the regular meeting at the noted time of 9:15 pm.

Motion:	Move to authorize the City Attorney to retain the firm of Hall, Estill to review the Double Eagle Refinery Superfund Site issue.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to authorize settlement in the amount of \$204,000.00 in City of Broken Arrow v. Perkins Development Corporation.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

No further action was taken.

15. **Adjournment**

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

The meeting was adjourned at the noted time of 9:17 pm.

Mayor

City Clerk

The Mayor reconvened the regular session at the noted time of 8:33 pm.

Motion: Move to enter into Executive Session.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on matters concerning the purchase and appraisal of approximately 80 acres of real property located north of Kenosha between North 27th Street and North 31st Street under 25 O.S 307(B)(3); and Double Eagle Refinery Superfund Site, Oklahoma City, Oklahoma Small Party Settlement Offer; and The City of Broken Arrow v. Perkins Development Corporation, et al. Tulsa County District Court Case Number CJ-2007-07891; 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.

The Mayor reconvened the regular meeting at the noted time of 9:15 pm.

Motion: Move to authorize the City Attorney to retain the firm of Hall, Estill to review the Double Eagle Refinery Superfund Site issue.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Motion: Move to authorize settlement in the amount of \$204,000.00 in City of Broken Arrow v. Perkins Development Corporation.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

No further action was taken.

15. Adjournment

Motion: Move to adjourn.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

The meeting was adjourned at the noted time of 9:17 pm.

Mayor

City Clerk