

BROKEN ARROW CITY COUNCIL MINUTES

October 21, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, October 21, 2008, at 6:30 p.m.

1. Call to Order

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

2. Invocation

Section Minutes: Reverend Charles Allison of Northside Freewill Baptist Church delivered the Invocation.

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 those present in the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor McCaleb said that Item 5P would be pulled off the Consent Agenda and would not be considered this evening or require any action. He added that Items 5D and 5F would be taken under Item 6, "Consideration of Items to be removed from Consent Agenda".

- A. Approval of the regular meeting minutes of September 16, 2008
- B. Approval of the regular meeting minutes of October 7, 2008
- C. Acceptance of the minutes of the Planning Commission meeting held September 25, 2008
- D. Approval of and authorization to execute a Proclamation declaring November 6, 2008 as 'Optimist Youth Appreciation Day' in the City of Broken Arrow
- E. Approval of and authorization to execute the Addendum for the renewal of the Clinical Rotation Agreement between the City of Broken Arrow and Tulsa Technology Center
- F. Approval of and authorization to execute an Architectural Engineering contract with HRAOK, Inc., for planning and design of Houston Street Industrial Park
- G. Approval of and authorization to execute a Legal Services Agreement with Kiser Law Firm, PLLC for services related to the approval and issuance of General Obligation Bonds in one or more series to be voted on in December 2008
- H. Approval of and authorization to execute the Vision 2025 Capital Improvements Agreement for the Community Center/Nienhuis Park Project and Amendment thereto
- I. Approval of Work Order to Contract ST0801A, Cold Milling Asphalt Streets
- J. Approval of Final Acceptance for Public Improvements at Iron Horse Ranch Offsite Sanitary Sewer System
- K. Approval of Final Acceptance of Public Improvements for Seven Oaks South

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Present:

Absent: None

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Section Minutes: Councilman Carter led those present in the Pledge of Allegiance to the Flag.

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1. Approval of Work Order to Contract ST080I A. Cold Milling Asphalt Streets

J. Approval of Final Acceptance for Public Improvements at Iron Horse Ranch Offsite Sanitary Sewer System

K. Approval of Final Acceptance of Public Improvements for Seven Oaks South

October 21, 2009

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- L. Approval of BACP, 97, Service Master, 1.02 acres, Level 1 to Level 6, A-1, east of the southeast corner of Evans Road (225th East Avenue) and Kenosha Street (71st Street) at 22700 East 71st Street
- M. Approval of PUD 191 and BAZ 1808, Kenosha Landing, 3.12 acres, 1 lot, I-L to R-M, less than one-half mile west of Aspen Avenue (145th East Avenue), one-quarter mile north of Kenosha Street (71st Street), on the north end of Elder Avenue
- N. Approval of PT08-112 conditional final plat for Saint Michael's Church, 4.98 acres, 1 lot, R-2 (SP 217), east of Garnett Road (113th East Avenue), one-eighth mile north of Washington Street (91st Street), 8837 South Garnett Road
- O. Approval of bids received and award of the most advantageous bid for a construction contract with Traffic and Lighting Systems, L.L.C., for Omaha and 23rd Street Traffic Signalization and authorization to execute the contract documents
- P. Approval of bids received and award of the most advantageous bid for a 2008 BMW Police Motorcycle
- Q. Acceptance of a General Warranty Deed from Barbara A. Kimbrough & Carolyn A. Cundiff (S19 T18N R15E) (Project: ST9814A)(Washington St Ext from 23rd to SH51)
- R. Acceptance of a General Warranty Deed from Charlie George, Jr. (S36 T19N R14E) (Project: 9th St Widening Albany St to Omaha St) (Project: ST0529)
- S. Acceptance Of An Agreement With Zecco, Inc. For Deferral Of Perimeter Sidewalk
- T. Acceptance of a Sidewalk Easement from CareSource Tulsa, LLC (S3 T18N R14E) (Project: CareSource)
- U. Acceptance of a Sidewalk/Boardwalk Easement Agreement with HDH Investments, LLC
- V. Acceptance of two Temporary Construction Easements from Charlie George, Jr (S36 T19N R14E) (Project: ST0529) (9th St Widening Albany to Omaha St)
- W. Acceptance of a Water Line Easement from John Hausam & Burnstein Family Investment Company, LLC (S33 T18N R14E) (Project: Spring Creek of Broken Arrow)
- X. Approval of the Claims List

Motion:	Move to approve the Consent agenda with the exception of Items 5D, 5F and 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

5D. Approval of and authorization to execute a Proclamation declaring November 6, 2008 as 'Optimist Youth Appreciation Day' in the City of Broken Arrow

Motion:	Move to approve the Proclamation for Optimist Youth Appreciation Day.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Item Minutes: The Mayor introduced Ron Whitaker and Robert Osborn from the Optimist Club. He read the proclamation aloud and presented it to the Optimist Club representatives.

- L. Approval of BACP. 97. Service Master. 1.02 acres. Level I to Level 6. A-I. cast of the southeast corner of Evans Road 225th East Avenue) and Kenosha Street 71st Street) at 22700 East 71st Street Q.
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- N. Approval of PT08-I 12 conditional final plat for Saint Michael's Church. 4.98 acres. I lot. R-2 SP 2 17). cast of Garnett Road I 13th East Avenue). one-eighth mile north of Washington Street 91st Street). 8837 South Garnett Road
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- W. Acceptance of a Water Line Easement from John Hausam & Bornstein Family Investment Company. LLC S33) T 18N R 14E) Project: Spring Creek of Broken Arrow)
- X. Approval of the Claims List
- Motion: Move to approve the Consent agenda with the exception of Items 5D, 5F and 5P.
- Motion b Mike Lester
- Second b Richard Carter
- Ayes: Philip Tucker. Craig Thurmond. Richard Carter. Mike Lester. Wade McCaleb
- Nays: None
6. Consideration of Items Removed from Consent Agenda
- 5D. Approval of and authorization to execute a Proclamation declaring November 6. 2008 as Optimist Youth Appreciation Day' in the City of Broken Arrow
- Motion: Move to approve the Proclamation for Optimist Youth Appreciation Day.
- Motion b Mike Lester
- Second b Philip Tucker
- Ayes: Philip Tucker. Craig Thurmond. Richard Carter. Mike Lester. Wade McCaleb
- Nays: None
- Item Minutes: The Mayor introduced Ron Whitaker and Robert Osborn from the Optimist Club. He read the proclamation aloud and presented it to the Optimist Club representatives.

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5F. Approval of and authorization to execute an Architectural Engineering contract with HRAOK, Inc., for planning and design of Houston Street Industrial Park

Item Minutes: City Manager Jim Twombly presented the item consistent with information contained in the agenda packet.

Motion:	Move to approve and authorize execution of the Architectural Engineering contract with HROK, Inc, for planning and design of Houston Street Industrial Park.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

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

A. Oaths: Administration of the Oath of Office to each member of the Youth City Council 2008-2009

Item Minutes: Ms. Wilkening administered the Oath of Office to the Youth City Council 2008-2009 members.

Mayor McCaleb noted two returning seniors were unable to be present tonight: Chenese Rosebrock and Alejandro Tavizon. He then introduced those members present: seniors Justin Langston, Cody Merrill and Allie Mitchell; juniors Kaitlyn Swinney, Ruth Torluemke, Jessica Johnson, Keagan Morgan and Madeliene Prither.

B. Presentation: Approval and presentation of the "Employee of the Quarter" award recognizing Corporal Brian Gerber for the third quarter term, July through September 2008

Item Minutes: City Manager Jim Twombly presented the item consistent with information contained in the agenda packet.

The Mayor presented an award certificate to Corporal Brian Gerber recognizing him as "Employee of the Quarter" for the term July through September 2008.

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

Section Minutes: Mr. William Bly was called as the first speaker, and it was noted he was not present at 6:50 p.m.

James Walker, Youth Services Executive Director, thanked the Council for their on-going support for the Youth Court Program and added that the Program was able to provide a full time counselor to work with young people at Court. He proceeded to explain the program and funding situation. Mr. Walker said that the Youth Court program began in Fall 2007 under a Tulsa Area United Way Venture Grant which expires December 31, 2008. He said the program is a "peer court" for young first-time offenders who are charged with misdemeanor offenses. He explained that high school volunteers serve as the court personnel, and can order the defendant to perform community service, make restitution, or make an apology in person or by letter.

Nikki Roberts, William Saunders and Cody Merrill spoke in support of the program as participants in Youth Court. They emphasized the opportunity the Program provides by allowing young participants to set an example for their peers, provide an opportunity to serve their community, and is rewarding to them as an opportunity help set another young person on a better path.

Lori Pettus spoke on behalf of the Youth Court Program and stated it was an excellent program for Broken Arrow. She said she is an elementary school counselor, and she sees kids get on the wrong track in life as they get older. Ms. Pettus said a program such as Youth Court creates an opportunity to

5F. Approval of and authorization to execute an Architectural Engineering contract with HRAOK, Inc.. for planning and design of Houston Street Industrial Park

Item Minutes: City Manager Jim Twombly presented the item consistent with information contained in the agenda packet.

Motion: Move to approve and authorize execution of the Architectural Engineering contract with HROK, Inc, for planning and design of Houston Street Industrial Park.

Motion b Richard Carter

Second b Mike Lester

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

Nays: None

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

A. Oaths: Administration of the Oath of Office to each member of the Youth City Council 2008-2009

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intervene early in a young person's life and provides a positive experience and opportunity for peers to impact the lives of troubled youth before it is too late.

Rick, Wanda and Kim York filled in 'Request to Speak' forms but were not present when called by the Mayor.

The Mayor asked Mr. Walker how many young people are accepted in the Program. Mr. Walker said that all applicants are accepted. Ms. BreAnna Shine, also representing the Youth Court Program, was present with Mr. Walker and responded to Council's questions regarding cases. She said that a Broken Arrow Municipal Court Judge has already found defendants guilty when sent to Youth Court. Ms. Shine added that Youth Court does have an impact and that in one case, the defendant's plea of not guilty resulted in Youth Council's first trial. She said the outcome of the trial resulted in amending a Broken Arrow City Ordinance relating to Petit Larceny.

9. General Council Business

A. Approval of and authorization to execute Resolution of the City Council of the City of Broken Arrow appointing the City Manager or his designee to form an oversight committee and direct City staff to develop, implement and comply with Federal Trade Commission Regulations, adopted as 16 CFR Section 681.2, requiring creditor to adopt Red Flag policies to prevent and mitigate identify theft with respect to covered accounts

Item Minutes: Ms. Wilkening presented the item consistent with information contained in the agenda packet.

Mr. Twombly responded to Council inquiries noting several Finance Department personnel have attended a training session, and development, implementation, and compliance policies will be developed by the Finance Department along with Legal Department participation. He said staff will bring these policies and procedures back to Council at a later date.

Motion:	Move to approve Resolution No. 550.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

B. Approval of and authorization to execute an Option to Purchase a 70-acre tract of land for the Festival Park

Item Minutes: Mr. Twombly presented the item consistent with information contained in the agenda packet.

In response to Council inquiries, Mr. Twombly stated that Northeastern State University verbally assured the City that the school will make available a parking lot for events at the Festival Park. He said there are funds in the bond issue for a Master Plan for the site, and the issues of the pond, watershed and other items will be dealt with at that time. Mr. Twombly added that discussion is in progress with the City of Coweta regarding 101st Street and future widening requirements.

Motion:	Move to approve and authorize execution of the Option to Purchase.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Mike Lester, Wade McCaleb
Nays:	None
Recuse:	Richard Carter

C. Approval of BAZ 1814, McLain, 12.50 acres, 2 lots, A-R-1 to R-1, east of Elm Place (161st East Avenue), one half mile north of Jasper Street (131st Street)

intervene early in a young persons life and provides a positive experience and opportunity for peers to impact the lives of troubled youth before it is too late.

Rick. Wanda and Kim York filled in Request to Speak' forms but were not present when called by the Mayor.

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Item Minutes: Ms. Wilkening presented the item consistent with information contained in the agenda packet.

Mr. Twyombly responded to Council inquiries noting several Finance Department personnel have attended a training session. and development. implementation. and compliance policies will be developed by the Finance Department along with Legal Department participation. He said staff will bring these policies and procedures back to Council at a later date.

Motion: Move to approve Resolution No. 550.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

B. Approval of and authorization to execute an Option to Purchase a 70-acre tract of land for the Festival Park

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Motion: Move to approve and authorize execution of the Option to Purchase.

Motion b Mike Lester

Second b Philip Tucker

Ayes: Philip Tucker. Craig Thurmond. Mike Lester. Wade McCaleb

Nays: None

Recuse: Richard Carter

C. Approval of BAZ 1814. McLain. 12.50 acres. 2 lots. A-R- I to R-1. cast of Elm Place 161st East Avenue). one half mile north of Jasper Street 1 3 1st Street)

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Item Minutes: Mr. Twombly noted there were some changes made which were inadvertently left out of the agenda item. The last sentence before the cost line should read: Staff recommendation is the construction or installation of the sidewalk be required, and installed, in accordance with the subdivision ordinance.

City Planner, Farhad Daroga, said that the Planning Commission recommends approval of the requested R-1 zoning which staff is suggesting should be RS-1 in according with the new zoning category. He said the applicants agreed to dedicate the necessary right-of-way on Elm Place in lieu of waiver of the platting process.

Applicant Linda McClain, 16247 E. 128th Street, stated they made the rezoning request because they want to build their new home on the property in question. She stated they agreed to dedicate 60 feet of right-of-way and a 17 ½ foot easement along Elm Place to the City in return for waiver of platting. She requested Council waive the requirement to build a sidewalk along Elm Place as building that portion of sidewalk costs about \$7,000. She said that the other streets bordering their property do not have sidewalks, and other residents in their addition who made rezoning requests were not required to build sidewalks.

Councilman Carter noted there is a sidewalk on the west side of Elm Place at this location.

Vice-Mayor Lester explained that sidewalks are now built, as required, in other areas of the City which were undeveloped in anticipation of future development which occurred in those areas. He said that is the reason for the sidewalk requirement, so that the sidewalks will be in place to serve citizens of Broken Arrow. He also noted the City does not have the funds to build sidewalks. Vice Mayor Lester added that the sidewalk in this situation might not seem necessary right now, but in the long term it will serve the needs of citizens to have the sidewalk in place. Ms. McClain said the properties to the north and south of hers have already been developed, and there are no sidewalks in place.

The Mayor said that in his years serving on Council, he could not recall waiving a sidewalk requirement, although Council has allowed money to be placed in escrow to build the sidewalk at a later date.

Motion:	Move to approve BAZ 1814 as recommended by Planning Commission and Staff to include the sidewalk along Elm Place.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- D. Consideration, possible approval of and authorization to execute the Special Election Proclamation and Notice of the December 9, 2008, Bond Election submitting to the voters of the City of Broken Arrow Ordinance No. 2986 of the City of Broken Arrow approving the acquisition, construction, equipping and furnishing of a new fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing of a new fire department training tower and a police department shoot house and acquisition of a public safety driving simulator to be located at the City Public Safety Training Center

Item Minutes: Ms. Wilkening presented the item consistent with information contained in the agenda packet.

Motion:	Move to approve the Special Election Proclamation and Notice and authorize execution.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- E. Consideration, possible approval of and authorization to execute Resolution No. 551, a resolution of the City Council for the City of Broken Arrow approving the transfer of sales tax capital

Item Minutes: Mr. Twyombly noted there were some changes made which were inadvertently left out of the agenda item. The last sentence before the cost line should read: Staff recommendation is the construction or installation of the sidewalk be required, and installed, in accordance with the subdivision ordinance.

City Planner, Farhad Daroga, said that the Planning Commission recommends approval of the requested R-I zoning which staff is suggesting should be RS-I in according with the new zoning category. He said the applicants agreed to dedicate the necessary right-of-way on Elm Place in lieu of waiver of the platting process.

Applicant Linda McClain, 16247 E. 128th Street, stated they made the rezoning request because they want to build their new home on the property in question. She stated they agreed to dedicate 60 feet of right-of-way and a 17' foot casement along Elm Place to the City in return for waiver of platting. She requested Council waive the requirement to build a sidewalk along Elm Place as building that portion of sidewalk costs about 67,000. She said that the other streets bordering their property do not have sidewalks, and other residents in their addition who made rezoning requests were not required to build sidewalks.

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The Mayor said that in his years serving on Council, he could not recall waiving a sidewalk requirement, although Council has allowed money to be placed in escrow to build the sidewalk at a later date.

Motion: Move to approve BAZ 1814 as recommended by Planning Commission and Staff to include the sidewalk along Elm Place.

Motion by Mike Lester

Second by Craig Thurmond

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

Nays: None

D. Consideration, possible approval of and authorization to execute the Special Election Proclamation and Notice of the December 9, 2008, Bond Election submitting to the voters of the City of Broken Arrow Ordinance No. 2986 of the City of Broken Arrow approving the acquisition, construction, equipping and furnishing of a new fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing of a new fire department training toyer and a police department shoot house and acquisition of a public safety driving simulator to be located at the City Public Safety Training Center

Item Minutes: Ms. Wilkening presented the item consistent with information contained in the agenda packet.

Motion: Move to approve the Special Election Proclamation and Notice and authorize execution.

Motion b Mike Lester

Second b Philip Tucker

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

Nays: None

E. Consideration. possible approval of and authorization to execute Resolution No. 55 1. a resolution of the City Council for the City of Broken Arrow approving the transfer of sales tax capital

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improvement funds to Broken Arrow Economic Development Authority for the purpose of funding infrastructure improvements at Stoneridge Towne Center and approving Budget Amendment No. 5

Item Minutes: Mr. Twombly presented the item consistent with information contained in the agenda packet.

Ms. Wilkening noted there is a question of the legal name of the contracting party. She requested Council execute the resolution as submitted, and she would get the correct name of the party. Ms. Wilkening said that if a change were necessary, it will be ratified at the next Council meeting.

In response to Council inquiries, Mr. Twombly stated the latest information indicates the number of emergency rooms has doubled from 4 to 8, cardiology care and orthopedic surgeons are now included for 24 hour, 7 days a week, the size of the hospital is up to 189,000 square feet and the medical office building is 110,000 square feet.

Motion:	Move to approve Resolution No. 551 and Budget Amendment No. 5.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

10. City Manager's Report

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

11. Preview Ordinances

- A. An ordinance amending Chapter 4, Article II, Section 4-16 of the Broken Arrow Code pertaining to being intoxicated in public, or while in any unenclosed space on any private property of another while uninvited; repealing all ordinances to the contrary; and declaring an emergency
- B. An Ordinance Amending Chapter 7, Article I, Section 7-6 of the Broken Arrow Code Pertaining to Throwing or Depositing of Litter on Public Places; Penalties; Repealing all Ordinances to the Contrary and Declaring an Emergency

Section Minutes: Ms. Wilkening presented the ordinances consistent with information included in the agenda packet. She noted both preview ordinances are to bring the City Code into compliance with State Statutes.

Motion:	Move to forward the preview ordinances to the next agenda for possible adoption.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

12. Ordinances

- A. Ordinance Number 2981 - An Ordinance Amending Chapter 7, Article VI, Section 7-120 of the Broken Arrow Code pertaining to Massage Applications; Repealing all Ordinances to the Contrary; and Declaring an Emergency
- B. Ordinance Number 2990 - An Ordinance Amending Chapter 7, Article VI, Section 7-126 of the Broken Arrow Code pertaining to Revocation and Suspension; Repealing all Ordinances to the contrary; and Declaring an Emergency

improvement funds to Broken Arrow Economic Development Authority for the purpose of funding infrastructure improvements at Stoneridge Towne Center and approving Budget Amendment No. 5

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Motion: Move to approve Resolution No. 551 and Budget Amendment No. 5.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

10. City Manager's Report

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

11. Preview Ordinances

A. An ordinance amending Chapter 4, Article II, Section 4-16 of the Broken Arrow Code pertaining to being intoxicated in public, or while in any unenclosed space on any private property of another while uninvited; repealing all ordinances to the contrary; and declaring an emergency

B. An Ordinance Amending Chapter 7, Article I, Section 7-6 of the Broken Arrow Code Pertaining to Throwing or Depositing of Litter on Public Places: Penalties: Repealing all Ordinances to the Contrary and Declaring an Emergency

Section Minutes: Ms. Wilkening presented the ordinances consistent with information included in the agenda packet. She noted both preview ordinances are to bring the City Code into compliance with State Statutes.

Motion: Move to forward the preview ordinances to the next agenda for possible adoption.

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

12. Ordinances

A. Ordinance Number 2981 An Ordinance Amending Chapter 7, Article VI, Section 7-120 of the Broken Arrow Code pertaining to Massage Applications: Repealing all Ordinances to the Contrary; and Declaring an Emergency

B. Ordinance Number 2990 An Ordinance Amending Chapter 7, Article VI, Section 7-126 of the Broken Arrow Code pertaining to Revocation and Suspension: Repealing all Ordinances to the contrary; and Declaring an Emergency

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- C. Ordinance Number 2991 - An Ordinance Creating Chapter 7, Article VI, Section 7-132, Massage Establishments Penalty, of the Broken Arrow Code; Repealing all Ordinances to the Contrary; and Declaring an Emergency
- D. Ordinance Number 2992 - An Ordinance Repealing Chapter 7, Article VI, Section 7-130 of the Broken Arrow Code pertaining to Massages as Employee Benefit on Periodic Basis; and Declaring an Emergency
- E. Ordinance Number 2993 - An Ordinance Amending Chapter 22, Article VI, Section 22-111 of the Broken Arrow Code pertaining to taxation; repealing all ordinances to the contrary; and declaring an emergency

Section Minutes: Ms. Wilkening presented the ordinances consistent with information included in the agenda packet.

Motion:	Move to approve Ordinance Nos. 2981, 2990, 2991, 2992, and 2993.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance Nos. 2981, 2990, 2991, 2992, and 2993.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mayor McCaleb invited the other Council members to attend ribbon cuttings of the Chamber of Commerce Ambassadors Club. Discussion took place with the Mayor agreeing to notify Council members of upcoming events so they can let him know if they wanted to attend. The Mayor said he would also make sure that no more than two Councilors are in attendance at each event.

Council discussed the recent event held at the new Farmers Market, noting it was a great event and a large crowd attended.

Councilman Carter commented he recused himself from the vote on Item 9B because he knows the Andersons very well.

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

Section Minutes: The Mayor reconvened the regular session at the noted time of 7:52 p.m.

Motion:	Move to take a brief 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

C. Ordinance Number 2991 An Ordinance Creating Chapter 7. Article VI. Section 7-132. Massage Establishments Penalty. of the Broken Arrow Code: Repealing all Ordinances to the Contrary: and Declaring an Emergency

D. Ordinance Number 2992 An Ordinance Repealing Chapter 7. Article VI. Section 7-1 30 of the Broken Arrow Code pertaining to Massages as Employee Benefit on Periodic Basis: and Declaring an Emergency

E. Ordinance Number 2993 An Ordinance Amending Chapter 22. Article VI. Section 22-111 of the Broken Arrow Code pertaining to taxation: repealing all ordinances to the contrary: and declaring an emergency

Section Minutes: Ms. Wilkening presented the ordinances consistent with information included in the agenda packet.

Motion: Move to approve Ordinance Nos. 2981, 2990, 2991, 2992, and 2993.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

Motion: Move to adopt the Emergency Clause of Ordinance Nos. 2981, 2990, 2991, 2992, and 2993.

Motion b Mike Lester

Second b Philip Tucker

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mayor McCaleb invited the other Council members to attend ribbon cuttings of the Chamber of Commerce Ambassadors Club. Discussion took place with the Mayor agreeing to notify Council members of upcoming events so they can let him know if they wanted to attend. The Mayor said lie would also make sure that no more than two Councilors are in attendance at each event.

Council discussed the recent event held at the new Farmers Market. noting it was a great event and a large crowd attended.

Councilman Carter commented lie recused himself from the Note on Item 9B because lie knows the Andersons Nery well.

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

Motion b Craig Thurmond

Second b Philip Tucker

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

Nays: None

Section Minutes: The Mayor reconvened the regular session at the noted time of 7:52 p.m.

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

Motion b Craig Thurmond

Second b Philip Tucker

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

Nays: None

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Section Minutes: The Mayor reconvened the regular session at the noted time of 8:03 p.m.

Motion:	Move to enter into Executive Session.
Motion by:	Philip Tucker
Second by:	Richard Carter
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 litigation concerning City of Broken Arrow v. Troy Dwight Cospers and Joyce Marie Cospers, et al., Tulsa County District Court Case Number CJ-2007-6992, City of Broken Arrow v. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County District Court Case Number Case Number: CJ-2007-07889, City of Broken Arrow v. Tommy J. Donathan, et al., Tulsa County District Court Case Number Case Number: CJ-2007-7894; City of Broken Arrow v. Stacy L. Heller, a single person, et al., Tulsa County District Court Case Number: Case Number: CJ-2007-07893, City of Broken Arrow v. Gloria J. Mayfield, et al., Tulsa County District Court Case Number CJ-2008-01625, City of Broken Arrow v. Jack Kelso Parrott., Tulsa County District Court Case Number CJ-2008-01624, and Jered R. Henry v. City of Broken Arrow, Oklahoma, Wagoner County District Court Case Number CV-08-1105; and potential litigation, a pending investigation and claims regarding delinquent commercial stormwater fees, all 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 and potential litigation, pending investigations and claims 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.

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:13 p.m.

Motion:	Move to authorize the City Attorney to execute a Journal Entry of Judgment foreclosing a Utility Easement in the case of Jered R. Henry v. City of Broken Arrow, et al.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to direct the City Attorney to obtain additional information pertaining to the Cospers, Poplin, Donathan, Heller, Mayfield and Parrott cases.
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:	Craig Thurmond
Second by:	Mike Lester
Ayes:	Mike Lester, Richard Carter, Wade McCaleb, Philip Tucker, Craig Thurmond
Nays:	None

The meeting was adjourned at the noted time of 8:14 p.m.

Mayor

City Clerk

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:03 p.m.

Motion: Move to enter into Executive Session.

Motion b Philip Tucker

Second b Richard Carter

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 litigation concerning City of Broken Arrow N. Troy Dwight Cospers and Joyce Marie Cospers, et al., Tulsa County District Court Case Number CJ-2007-6992, City of Broken Arrow N. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County District Court Case Number Case Number: CJ-2007-07889, City of Broken Arrow N. Tommy J. Donathan, et al., Tulsa County District Court Case Number Case Number: CJ-2007-7894; City of Broken Arrow N. Stacy L. Heller, a single person, et al., Tulsa County District Court Case Number: Case Number: CJ-2007-0789; City of Broken Arrow N. Gloria J. Mayfield, et al., Tulsa County District Court Case Number CJ-2008-01625, City of Broken Arrow N. Jack Kelso Parrott, Tulsa County District Court Case Number CJ-2008-01624, and Jered R. Henry N. City of Broken Arrow, Oklahoma, Wagoner County District Court Case Number CV-08-1105; and potential litigation, a pending investigation and claims regarding delinquent commercial stormwater fees, all 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 and potential litigation, pending investigations and claims 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.

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:13 p.m.

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Motion b Mike Lester

Second b Richard Carter

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

Nays: None

Motion: Move to direct the City Attorney to obtain additional information pertaining to the Cospers, Poplin, Donathan, Heller, Mayfield and Parrott cases.

Motion b Mike Lester

Second b 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 b Craig Thurmond

Second b Mike Lester

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

Nays: None

The meeting was adjourned at the noted time of 8:14 p.m.

Mayor

City Clerk

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