

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
November 17, 2009**

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: Pastor Mike Hutsell delivered the Invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Section Minutes: Vice Mayor Tucker led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Motion:	Move to approve the Consent Agenda as presented
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker and Mike Lester
Nays:	None

- A. Approval of regular meeting minutes of November 3, 2009
- B. Approval of special joint meeting minutes of City Council and the Broken Arrow School Board on November 5, 2009
- C. Acceptance of minutes of the Planning Commission meeting on October 22, 2009
- D. Ratify Proclamation declaring November 12, 2009 as "Optimist Youth Appreciation Day"
- E. Approval of the 2010 City meeting calendar
- F. Approval of Executive Pay Plan for Fiscal Year 2010
- G. Approval of Waivers of Conflicts of Interest between Doerner, Saunders, Daniel and Anderson, L.L.P. and the City of Broken Arrow, Oklahoma
- H. Approval of a Workers' Compensation Claim Court Order on John Landis, a Street and Stormwater Department employee.
- I. Approval of a Workers' Compensation Order on Tim Obney a former city employee in the General Services Department
- J. Approval of Resolution No. 626 authorizing execution of an ODOT agreement for Resurfacing Elm Place from New Orleans to Florence

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None

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4. Pledge of Allegiance to the Flag

Section Minutes: Vice Mayor Tucker led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Motion: Move to approve the Consent Agenda as resented

Motion b Richard Carter

Second b Philip Tucker

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

Lester

Nays: None

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J. Approval of Resolution No. 626 authorizing execution of an ODOT agreement for Resurfacing Elm Place from New

Orleans to Florence

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- K. Approval of Resolution No. 627 authorizing execution of an ODOT agreement for resurfacing the Intersection of Elm Place and Houston Street
- L. Approval of Resolution No. 628 authorizing execution of an ODOT agreement for Resurfacing the Intersection of 9th Street and Houston Street
- M. Approval of Agreement with Public Service Co. of Oklahoma for relocation of an underground primary conductor : the Steeple Chase-Glenn Eagles Storm Sewer Improvements
- N. Approval of a Clinical Rotation Agreement between the City of Broken Arrow and the Board of Regents of the University of Oklahoma on behalf of Rogers State University
- O. Consideration and possible approval of a contract with Cox Communications as a Competitive Local Exchange Carrier to Provide 911 Access
- P. Consideration and Possible Approval of Major Quantity Change Order MQ01 to Contract Number ST0529, 9th St. Widening, Albany St. to Omaha St.
- Q. Consideration and Possible Approval of Major Change Order MC01 to Contract Number ST0529, 9th St. Widening, Albany St. to Omaha St.
- R. Approval to reject bids received for the purchase of a fairway mower due to dealer's inability to meet specifications as required and authorize a new solicitation of bids for a fairway mower
- S. Acceptance of a utility easement located in the Northwest Quarter of Section 33, Township 19, Range 14, from One Sierra Place, LLC (S33 T19N R14E) (Project: Sierra Apartments)
- T. Approval to close Washington Street from Date Avenue to Ash Place from 9:00 A.M. on November 19, 2009 to 5:00 A.M. on November 20, 2009 in order to allow movement of equipment for the storm sewer construction project
- U. Acceptance of a drainage easement located in the Northwest Quarter of Section 33, Township 19, Range 14, from One Sierra Place, LLC (S33 T19N R14E) (Project: Sierra Apartments)
- V. Acceptance of a storm water detention easement and sidewalk easement located in the Northeast Quarter of Section 1, Township 18, Range 14, from Sharon Whelpley, Board of Education President (S1 T18N R14E) (Project: School Multipurpose facility)
- W. Acceptance of a utility easement located on Lot 5 Block 1, Amended Plat of New Tulsa Estates from Jose Ramirez (S29 T19N R15E) (Project: New Tulsa Estates Rezoning BAZ1820)
- X. Acceptance of a utility easement located approximately 451.28' West of Aspen Avenue (145th East Ave) on Omaha Street (51st Street) (S33 T19N R14E) (Project: Sierra Apartments)
- Y. Acceptance of a waterline easement located on Lot 2 Block 1, Kenosha Crossing from JT Hamilton Properties, LLC (S1 T18N R14E) (Project: Premier Family Care DN09-137)
- Z. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items removed from the Consent Agenda.

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

- A. Appeal from denial by the Planning Commission of BACP 105, Comprehensive Plan Amendment, 95.89 acre: changing the Comprehensive Plan designation of Levels 2, 3, 4, 6, and Public Recreation within two areas c Battle Creek, southeast corner of Aspen Avenue (145th East Avenue) and Dearborn Street (41st Street) and east of the northeast corner of Aspen Avenue (145th East Avenue) and the Broken Arrow Expressway (State Highway 51)

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L. Approval of Resolution No. 628 authorizing execution of an ODOT agreement for Resurfacing the Intersection of 9th Street and Houston Street

M. Approval of Agreement with Public Service Co, of Oklahoma for relocation of an underground primary conductor the Steeple Chase-Glenn Eagles Storm Sewer Improvements

N. Approval of a Clinical Rotation Agreement between the City of Broken Arrow and the Board of Regents of the University of Oklahoma on behalf of Rogers State University

O. Consideration and possible approval of a contract with Cox Communications as a Competitive Local Exchange Carrier to Provide 911 Access

P. Consideration and Possible Approval of Major Quantity Change Order MQ01 to Contract Number ST0529, 9th St. Widening, Albany St. to Omaha St.

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Item Minutes: Mayor Lester stated that a public hearing is now open to hear this appeal. He said that this is a public hearing and he wanted to provide some information regarding protocol. He asked that everyone be patient and let everyone have a chance to speak without outbursts; that each speaker should state name and address. Mayor Lester stated again that this is a public hearing and that each speaker will have 5 minutes to speak and there will be no yielding of time to other speakers. He explained that there is a timer with a light system to indicate speakers' time remaining.

Mr. Farhad Daroga, Planning Department Manager, reviewed the details provided in the Fact Sheet which provided the information as summarized below:

The Planning Commission, in their meeting of October 8, 2009, on a 3-1 vote denied BACP 105. Staff had recommended approval of the request. Approximately 50 persons were present. Several protestants spoke against the request. One person, who represented a group of homeowners in the north part of Battle Creek, spoke in favor of the request. Two separate protest petitions were submitted.

The applicant has appealed the denial of this case to the City Council. BACP 105 is a request to change 95.89 acres of the Future Development Guide of the Broken Arrow Comprehensive Plan. The request involves two separate areas of the Battle Creek PUD, the first which is 75.33 acres at the southeast corner of Aspen Avenue and Dearborn Street (referenced herein as the north part) and the second area which is 20.56 acres next to the Broken Arrow Expressway, east of Aspen Avenue (referenced herein as the south part). Both areas are currently undeveloped and are a part of the Battle Creek Planned Unit Development (PUD) No. 94, a 786.5 acre Planned Unit Development, approved by the City Council in November 1995. BACP 104, a similar request to BACP 105, was withdrawn by the applicant and subsequently dismissed by the Planning Commission on September 10, 2009. As requested, BACP 105 is similar to the previous application and the applicant has requested that all pertinent information submitted with BACP 104 be transferred to BACP 105. Mr. Daroga said there were many additional documents with information in the agenda packet.

Councilor McCaleb asked about some of the roads and distance to the expressway. Mr. Daroga responded by reviewing the map locations and said that if the development road north onto Granger across the street from Battle Creek Church and the apartment complex, and distance to expressway would be approximately 700 feet. Discussion followed regarding the distance between traffic signals and future traffic signal needs.

Mayor Lester called the developer, and Mr. Roy Johnson addressed Council on behalf of the developer. Mr. Johnson said he represented REIP, L.L.C. Mr. Johnson reviewed the background and plans for the land in question. He said the changes requested in BACP 105 are as follows:

Southeast corner of Dearborn Street (41st Street) and Aspen Avenue (145th E. Avenue) (75.33 acres)

Increase Level 2 (Urban Residential) from 28.43 acres to 59.51 acres

Decrease Level 3 (Transition Area) from 23.60 acres to 5.83 acres

Decrease Level 4 (Commercial/Employment Nodes) from 23.30 acres to 9.99 acres

Broken Arrow Expressway and Aspen Avenue (145th E. Avenue) (20.56 acres)

Convert 11.38 acres of Level 6 (Regional Employment/Commercial) and 9.18 acres of Public Recreation to 20.56 acres of Level 3 (Transition Area)

Mr. Johnson added that documents with extensive detail were provided.

Mayor Lester said the following 54 individuals turned in requests to register their support for BACP 105 but do not wish to speak:

Matt and Amy McCready Karen Judkins Tony and Della Gillespie, Sr.

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 Randy and Beverly Pendergrass
 Steve Peak Ella Rodriguez Marilyn Winston
 Greg and Amy Cooper Jeff and Patricia Jeter Karen Battenfield
 Mr. & Mrs. A.J. Toomey Bobby and Kim Williamson Doug Raymer
 Jim and Shari Campbell Carmella Warburton Al & Brenda Schiltz
 Robert and Delores Smith R. Micky and B. Jill Thacker
 Thomas and Janice Atkinson Charles and Shari Anderson
 Bryan & Barbara Turner Jim and Marquetta Ferguson
 Frank Gobbell Joseph and Lucy Ward Jean Freeman
 Lisa Moehrle Dan & Sandra Fox Jeffrey & Grace Hill
 Charles & Christine Hesting

Mayor Lester called the first speaker, Mr. Michael Joyce, attorney. Mr. Joyce said that the entity that is the Developer, REIT, L.L.C. does not legally exist because the registration with the Oklahoma Secretary of State is not current. Mr. Joyce said that as a result there is a defect in publication and this hearing cannot continue. He added that according to City of Broken Arrow Zoning Ordinance Section 6.3(B)(1)(c) states that citizen proposals to change the comprehensive plan may be heard but REIT, L.L.C. is not at citizen according to the laws of Oklahoma because it is not a registered entity with the Secretary of State.

Council consulted with Ms. Wilkening and Council decided to table the matter until the next Council meeting. Mayor Lester stated that this public hearing was closed and would be scheduled at a later time. He said the hearing is closed and could not proceed this evening, and being closed and he would entertain a motion.

Motion:	Move to table until the next Council meeting
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Philip Tucker, Wade McCaleb, Mike Lester
Nays:	None

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

Section Minutes: Ms. Stephanie Schones-Landes, addressed Council regarding fairness of access to Farmers Market. Mr. Wooden said the matter will be reviewed and he will contact Ms. Schones-Landes.

Mr. David Robinson, resident in Belle Trace II, addressed Council regarding vacant lots in his addition. He requested that developers maintain undeveloped lots in his addition, and that the City should change ordinance to require developers to maintain their empty lots. He added inspectors will not come out without an address for the lot; that he himself trimmed weeds away from his fence but stepped on a nail and spent 2 days in hospital. Mr. Robinson said he should not have to be working in the weeds to try to maintain lots. Also, he said trash dumped in some lots and he informed developers who said they clean it. Mr. Robinson said that people continue to dump trash in lots, and he notified the City, sent letters but received no response and nothing is being done. Mayor Lester said City staff will call him.

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Motion by Richard Carter

Second by Craig Thurmond

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

Nays: None

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9. General Council Business

- A. Consideration and possible approval of nomination for Chairman of the Conference Center Project Review Committee

Item Minutes: Acting City Manager, Mr. Dave Wooden, presented this item in accordance with the details provided in the Fact Sheet in the Agenda packet. Mr. Wooden summarized by saying that on October 6, 2009, the City Council established a Conference Center Review Committee, and this Committee consists of the following personnel:

Committee Chairman - Vice Mayor Tucker

City Council Member - Craig Thurmond

Broken Arrow Economic Development Corporation Member - Mickey Thompson

Convention and Visitors Bureau Member - Russell Parker

Citizen Member - Jim Beavers

Citizen Member - John Lare

Mr. Wooden explained that due to unforeseen circumstances, Vice Mayor Tucker will not be able to serve as the Chairman for this Committee and Mayor Lester has nominated Councilman Craig Thurmond to serve as Committee Chairman and Councilor as Committee member.

Mayor Lester called the next item, Item 9B. Upon completion of Item 9B, Ms. Wilkening asked Mayor Lester if Council will consider re-opening Item 9A in order to restate the motion in accordance with the agenda item which called for nomination of Craig Thurmond to the Committee. She said that Vice Mayor Tucker was already on the Committee and no action was required by the agenda regarding Vice Mayor Tucker.

Mayor Lester asked for a motion to nominate Craig Thurmond as Committee Chairman. Councilor McCaleb moved to nominate Councilor Craig Thurmond for Chairman of the Conference Center Project Review Committee.

Upon completion of Item 9B, Ms. Wilkening asked the Mayor to re-open Item 9A in order to restate the motion because the agenda item required a vote only on nomination of a Committee Chairman. She said Vice Mayor Tucker is already a Committee member and no there was no action needed or required.

Councilor McCaleb restated the motion and moved to nominate Councilor Thurmond as the Committee Chairman.

Motion:	Move to approve nomination for Chairman of the Conference Center Project Review Committee
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- B. Consideration of and Possible Approval of Cooperation Agreement for Relocation of Public Service Company of Oklahoma's Broken Arrow Tower Site

Item Minutes: Mr. Wooden presented this item. He reviewed the details presented in the Fact Sheet and documents contained in the agenda packet. He said that Public Service Company of Oklahoma (PSO) owned the telecom tower (PSO's Tower) located on the west end of the property, and the parties agreed that

9. General Council Business

A. Consideration and possible approval of nomination for Chairman of the Conference Center Project Review Committee

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Committee Chairman Vice Mayor Tucker

City Council Member Craig Thurmond

Broken Arrow Economic Development Corporation Member Mickey Thompson

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Citizen Member John Lare

Mr. Wooden explained that due to unforeseen circumstances, Vice Mayor Tucker will not be able to serve as the Chairman for this Committee and Mayor Lester has nominated Councilman Craig Thurmond to serve as Committee Chairman and Councilor as Committee member.

Mayor Lester called the next item, Item 9B. Upon completion of Item 9B, Ms. Wilkening asked Mayor Lester if Council will consider re-opening Item 9A in order to restate the motion in accordance with the agenda item which called for nomination of Craig Thurmond to the Committee. She said that Vice Mayor Tucker was already on the Committee and no action was required by the agenda regarding Vice Mayor Tucker.

Mayor Lester asked for a motion to nominate Craig Thurmond as Committee Chairman. Councilor McCaleb moved to nominate Councilor Craig Thurmond for Chairman of the Conference Center Project Review Committee.

Upon completion of Item 9B, Ms. Wilkening asked the Mayor to re-open Item 9A in order to restate the motion because the agenda item required a vote only on nomination of a Committee Chairman. She said Vice Mayor Tucker is already a Committee member and no there was no action needed or required.

Councilor McCaleb restated the motion and moved to nominate Councilor Thurmond as the Committee Chairman.

Motion: Move to approve nomination for Chairman of the Conference Center Project Review Committee

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Wade McCaleb, Richard Carter, Mike Lester

Nays: None

B. Consideration of and Possible Approval of Cooperation Agreement for Relocation of Public Service Company of Oklahoma's Broken Arrow Tower Site

Item Minutes: Mr. Wooden presented this item. He reviewed the details presented in the Fact Sheet and documents contained in the agenda packet. He said that Public Service Company of Oklahoma (PSO) owned the telecom tower (PSO's Tower) located on the west end of the property, and the parties agreed that

PSO would lease the land on which the tower is located for 100 years, which agreement was memorialized in a Memorandum of Lease between PSO and Gable Excavating, Inc. (Gable). Mr. Wooden said that Gable is interested in developing the land it purchased from PSO, including the construction and extension of Hillside Drive west from Lynn Lane Ave.; and, Gable has proposed that PSO agree to relocate PSO's Tower to a tower site owned by the City of Broken Arrow (CBA's Tower) located south of the Broken Arrow Expressway; and, PSO is willing to relocate its facilities from PSO's Tower to CBA's Tower, on the terms set forth in the Agreement under consideration this evening. Mr. Wooden stated that Gable request the City of Broken Arrow and PSO to enter into this Cooperation Agreement to set forth the agreements and understandings of the parties relating to the relocation of PSO's facilities from PSO's Tower to the CBA Tower.

Motion:	Move to approve Cooperation Agreement for Relocation of Public Service Company of Oklahoma's Broken Arrow Tower Site
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

C. Approval of a 1% Stipend to all City Department Heads

Item Minutes: Mr. Wooden presented this Item in accordance with the details in the Fact Sheet contained in the Agenda packet.

Motion:	Move to approve 1% Stipend to all City Department Heads
Motion by:	Wade McCaleb
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester
Nays:	None

D. Approval of nomination of TJ Voskuhl to the Convention and Visitors' Bureau

Motion:	Move to approve nomination of TJ Voskuhl to the Convention and Visitors' Bureau
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

10. City Manager's Report

11. Preview Ordinances

Section Minutes: Ms. Beth Anne Wilkening, City Attorney, presented the preview ordinances as described in the Fact Sheets provided in the Agenda packet.

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

A. An ordinance amending Section 5.7F Banner, temporary, mobile, inflatable, or promotional business signs of the Zoning Ordinance (No. 2931) of the City of Broken Arrow, Oklahoma, Common Development Review Procedure repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Item Minutes: Development Services Director, Mr. Michael Skates, presented this item in accordance with the details provided in the Fact Sheet provided in the agenda packet.

PSO would lease the land on which the tower is located for 100 years, which agreement was memorialized in a Memorandum of Lease between PSO and Gable Excavating, Inc. Gable). Mr. Wooden said that Gable is interested in developing the land it purchased from PSO, including the construction and extension of Hillside Drive west from Lynn Lane Ave.; and, Gable has proposed that PSO agree to relocate PSO's Tower to a tower site owned by the City of Broken Arrow CBA's Tower) located south of the Broken Arrow Expressway; and, PSO is willing to relocate its facilities from PSO's Tower to CBA's Tower, on terms set forth in the Agreement under consideration this evening. Mr. Wooden stated that Gable requests the City of Broken Arrow and PSO to enter into this Cooperation Agreement to set forth the agreements and understandings of the parties relating to the relocation of PSO's facilities from PSO's Tower to the CBA Tower.

Motion: Move to approve Cooperation Agreement for Relocation of Public Service Company of Oklahoma's Broken Arrow Tower Site

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

C. Approval of a 1% Stipend to all City Department Heads

Item Minutes: Mr. Wooden presented this Item in accordance with the details in the Fact Sheet contained in the Agenda packet.

Motion: Move to approve 1% Stipend to all City Department Heads

Motion b Wade McCaleb

Second b Philip Tucker

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

Nays: None

D. Approval of nomination of TJ Voskuhl to the Convention and Visitors' Bureau

Motion: Move to approve nomination of TJ Voskuhl to the Convention and Visitors' Bureau

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

10. City Manager's Report

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Section Minutes: Ms. Beth Anne Wilkening, City Attorney, presented the preview ordinances as described in the Fact Sheets provided in the Agenda packet.

Motion: Move to ass the review ordinances to the next meeting for adoption

Motion b Wade McCaleb

Second b Philip Tucker

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

Nays: None

A. An ordinance amending Section 5.7F Banner, temporary, mobile, inflatable, or promotional business signs of ti Zoning Ordinance No. 2931) of the City of Broken Arrow, Oklahoma, Common Development Review Procedure repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Item Minutes: Development Services Director, Mr. Michael Skates, presented this item in accordance with the details provided in the Fact Sheet provided in the agenda packet.

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November 17, 2009

- B. An ordinance adding Section 6.2.D.3(b) Mailed Notice and amending Section 6.2.D.4, of the Zoning Ordinance (No. 2931) of the City of Broken Arrow, Oklahoma, Common Development Review Procedures; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Item Minutes: Development Services Director, Mr. Michael Skates, presented this item in accordance with the details provided in the Fact Sheet provided in the agenda packet.

- C. An ordinance amending Section 6.4.D, Step 11 (Lapse) of the Zoning Ordinance (No. 2931) of the City of Broken Arrow, Oklahoma, related to the expiration of Planned United Development Approvals; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Item Minutes: Development Services Director, Mr. Michael Skates, presented this item in accordance with the details provided in the Fact Sheet provided in the agenda packet.

12. Ordinances

- A. Adoption of Ordinance No. 3059, an ordinance amending Chapter 16.5, Article I, Section 16.5-1 of the Broken Arrow Code pertaining to Closing hours for public parks; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening presented this item in accordance with the details contained in the Fact Sheet provided in the agenda packet.

Motion:	Move to adopt Ordinance No. 3059, an ordinance amending Chapter 16.5, Article I, Section 16.5-1 of the Broken Arrow Code pertaining to Closing hours for public parks; repealing all ordinances to the contrary; and declaring an emergency
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance 3059
Motion by:	Craig Thurmond
Second by:	Philip Tucker
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or comments.

At 7:39 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority (BAMA) meeting. He noted that the Broken Arrow Economic Development Authority meeting which usually follows the BAMA meeting is cancelled this evening.

Motion:	Move to recess in order to enter into the Broken Arrow Municipal Authority meeting
Motion by:	Philip Tucker
Second by:	Wade McCaleb
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

Mayor Lester reconvened the regular City Council meeting at 7:40 p.m.

B. An ordinance adding Section 6.2.D.3(b) Mailed Notice and amending Section 6.2.D.4, of the Zoning Ordinance No. 2931) of the City of Broken Arrow, Oklahoma, Common Development Review Procedures; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Item Minutes: Development Services Director, Mr. Michael Skates, presented this item in accordance with the details provided in the Fact Sheet provided in the agenda packet.

C. An ordinance amending Section 6.4.D, Step 11 Lapse) of the Zoning Ordinance No. 2931) of the City of Broken Arrow, Oklahoma, related to the expiration of Planned United Development Approvals; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Item Minutes: Development Services Director, Mr. Michael Skates, presented this item in accordance with the details provided in the Fact Sheet provided in the agenda packet.

12. Ordinances

A. Adoption of Ordinance No. 3059, an ordinance amending Chapter 16.5, Article I, Section 16.5-1 of the Broken Arrow Code pertaining to Closing hours for public parks; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening presented this item in accordance with the details contained in the Fact Sheet provided in the agenda packet.

Motion: Move to adopt Ordinance No. 3059, an ordinance amending Chapter 16.5, Article I, Section 16.5-1 of the Broken Arrow Code pertaining to Closing hours for public parks; repealing all ordinances to the contrary; and declaring an emergency

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance 3059

Motion b Craig Thurmond

Second b Philip Tucker

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or comments.

At 7:39 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority (BAMA) meeting. He noted that the Broken Arrow Economic Development Authority meeting which usually follows the BAMA meeting is cancelled this evening.

Motion: Move to recess in order to enter into the Broken Arrow Municipal Authority meeting

Motion b Philip Tucker

Second b Wade McCaleb

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

Nays: None

Mayor Lester reconvened the regular City Council meeting at 7:40 p.m.

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Motion to take a short break prior to Executive Session in order to clear the room.

Move to enter into Executive Session at 7:48 p.m.

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

14. **Executive Session for the purpose of discussing and reviewing prospective candidates for the position of City Manager, under 25 O.S. § 307(B)(1), and in open session taking any appropriate action as necessary, including direction to schedule interviews; and discussing the employment of the Acting City Manager and taking appropriate action as necessary in open session, 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.**

Section Minutes: Mayor Lester reconvened the regular meeting of the City Council at 8:49 p.m. and the room was re-opened to the public.

Vice Mayor Tucker moved to table matters under discussion.

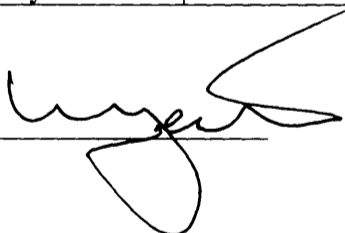
Motion:	Move to table matters under discussion
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Wade McCaleb, Mike Lester
Nays:	None

15. **Adjournment**

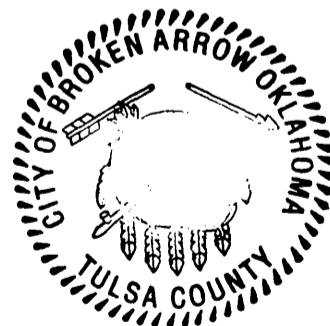
Section Minutes: The meeting adjourned at 8:49 p.m.

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

Mayor



City Clerk



Motion to take a short break prior to Executive Session in order to clear the room.

Move to enter into Executive Session at 7:48 p.m.

Motion: Move to enter into Executive Session

Motion b Wade McCaleb

Second by: Richard Carter

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

Nays: None

14. Executive Session for the purpose of discussing and reviewing prospective candidates for the position of City Manager, under 25 O.S. 307(B)(1), and in open session taking any appropriate action as necessary, including direction to schedule interviews; and discussing the employment of the Acting City Manager and taking appropriate action as necessary in open session, 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.

Section Minutes: Mayor Lester reconvened the regular meeting of the City Council at 8:49 p.m. and the room was reopened to the public.

Vice Mayor Tucker moved to table matters under discussion.

Motion: Move to table matters under discussion

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at 8:49 p.m.

Motion: Move to adjourn

Motion b Philip Tucker

Second b Craig Thurmond

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

Nays: None

Mayor

City Cler

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