

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
January 4, 2011
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: The invocation was delivered by Scott Keele of the Broken Arrow Chaplains Corps and The Broken Arrow Church of Christ.

3. Roll Call

Present:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Absent:	None

4. Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Jordan Miller with Troop 975 led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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

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

- A. Approval of regular meeting minutes of December 21, 2010
- B. Acceptance of the minutes of the Planning Commission meeting held December 2, 2010
- C. Approval of the amended 2011 City Meeting Calendar
- D. Approval of and authorization to execute Budget Amendment Number 9 for Fiscal Year 2010-2011
- E. Approval of and authorization to execute Resolution No. 671 - Corrected, Transportation Enhancement Funds for Liberty Parkway Trail Phase 4
- F. 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

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Presen~

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Absent:

4. Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Jordan Miller with Troop 975 led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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

Motion: Move to approve the Consent Agenda as presented

Motion b Jill Norman

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

A. Approval of regular meeting minutes of December 21, 2010

B. Acceptance of the minutes of the Planning Commission meeting held December 2, 2010

C. Approval of the amended 2011 City Meeting Calendar

D. Approval of and authorization to execute Budget Amendment Number 9 for Fiscal Year 2010-2011

E. Approval of and authorization to execute Resolution No. 671 Corrected, Transportation Enhancement Funds for Liberty Parkway Trail Phase 4

F. 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

Broken Arrow City Council Page 1 of 6 January 4, 2011

- A. Award: Approval and presentation of the "Employee of the Quarter" award recognizing Roy Moody for the term October through December 2010

Item Minutes: City Manager Dave Wooden stated that the Employee Advisory Committee has recommended to the Council the nomination of Roy Moody as Employee of the Quarter for the fourth quarter of 2010. He said Roy works in the Electrical Division of the General Services Department and is responsible for keeping the City's intersections working. Mr. Wooden said he has known Roy since he came to the City, and he does an outstanding job; he's always first in line to help when there's a need, even beyond the scope of his job. With great pleasure Mr. Wooden recommended that the Council approve the nomination of Roy Moody for Employee of the Fourth Quarter 2010.

Motion:	Move to recognize Roy Moody as Employee of the Fourth Quarter
Motion by:	Craig Thurmond
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester then presented the award to Roy Moody.

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

Section Minutes: No one signed up to address the Council on general topics related to city business or services.

9. General Council Business

- A. Consideration and possible approval of a project list for a General Obligation Bond Issue vote on April 5, 2011

Item Minutes: City Manager Dave Wooden stated that since September of 2010 they've been working with the citizens of Broken Arrow on the proposed bond package, currently with a recommended election date of April 5, 2011. He said they are recommending that the projects listed, which have been brought before the Council previously, be the projects for the bond issue. Mr. Wooden then stated that Staff recommends Council approve the proposed project list and election date, and direct Staff to prepare appropriate resolutions for execution of the election.

Councilor Carter commented that he really likes this proposed package, especially all the storm water projects and the street projects.

Motion:	Move to approve the proposed project list and election date and direct Staff to prepare appropriate resolutions
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. Review of bids received, possible approval of and award of the most advantageous for the purchase of an ambulance

Item Minutes: City Manager Dave Wooden said that the Fire Department has requested and received bids for an ambulance, for which funds have been appropriated in this year's Sales Tax Capital Improvement Budget. He stated that the bids received ranged from \$175,000 to \$209,000 and said Staff recommends the high bid of \$209,000, primarily because of the quality of the vehicle

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Motion: Move to recognize Roy Moody as Employee of the Fourth Quarter

Motion by: Craig Thurmond

Second by: Wade McCaleb

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Navs: None

Mayor Lester then presented the award to Roy Moody.

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

Section Minutes: No one signed up to address the Council on general topics related to city business or services.

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Motion: Move to approve the proposed project list and election date and direct Staff to prepare appropriate resolutions

Motion b Craig Thurmond

Second by: Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

B. Review of bids received, possible approval of and award of the most advantageous for the purchase of an ambulance

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Broken Arrow City Council Page 2 o1'6 January 4, 2011

involved and the ability of the maintenance center to keep that vehicle working for a longer period of time than the other ambulance. Mr. Wooden explained that Staff is recommending the larger ambulance because these units are basically mobile emergency rooms, and as such carry a lot more equipment and materials than the smaller ambulances. He added that Staff feels it's important to buy a quality ambulance on a good chassis that can be kept in service, whereas the lighter weight ambulances on smaller chassis have a tendency to break up much sooner and can't pull the required load. For these reasons Mr. Wooden said Staff recommends that Council award the bid submitted to Nebkan Emergency Vehicles LLC for the purchase of an ambulance.

Councilor McCaleb asked which ambulance this new unit would replace; Mr. Wooden asked Steve Jarrett, Acting Fire Chief, who then responded that it would replace Unit 2.

Motion:	Move to award the bid submitted by Nebkan Emergency Vehicles LLC for the purchase of an ambulance
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

C. Consideration of, possible approval and authorization to reject all bids received and authorization to re-advertise Sanitary Sewer Lift Station Improvements, Contract A

Item Minutes: City Manager Dave Wooden said this item is part of the Oklahoma Department of Environmental Quality Consent Order No. 08-213, dated October 21, 2008. He described it as a direct result of the December 2007 ice storm when a large number of lift stations were without power for an extended period of time; the Oklahoma Department of Environmental Quality subsequently directed that the City put generators at those stations to preclude any such overflows in the future. Mr. Wooden said it was advertised for bid, but most of the bid documents received contained errors. He further stated that even if the fourth bid (the first bid received without error) were accepted, Staff wasn't sure they would be getting what they asked for. For these reasons, he said Staff recommends that the bids be rejected and the City re-advertise. He then explained that if the Council concurs, two motions are needed: the first one as written (to reject all bids and re-advertise sanitary sewer lift station improvements), and the second one stating that in the opinion of the governing body it's in the best interest of the people of the state of Oklahoma and the City of Broken Arrow to reject the bids.

Mayor Lester asked if the motions need to be in that order and City Attorney Beth Anne Wilkening confirmed that.

Motion:	Move to reject all bids and re-advertise the sanitary sewer lift station improvements
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move that we find in the opinion of the governing body the best interests of the people of the state of Oklahoma and the City of Broken Arrow will be best served by rejection of all bids and re-advertisement of the sanitary sewer lift station improvements, Contract A
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

involved and the ability of the maintenance center to keep that vehicle working for a longer period of time than the other ambulance. Mr. Wooden explained that Staff is recommending the larger ambulance because these units are basically mobile emergency rooms, and as such carry a lot more equipment and materials than the smaller ambulances. He added that Staff feels it's important to buy a quality ambulance on a good chassis that can be kept in service, whereas the lighter weight ambulances on smaller chassis have a tendency to break up much sooner and can't pull the required load. For these reasons Mr. Wooden said Staff recommends that Council award the bid submitted to Nebkan Emergency Vehicles LLC for the purchase of an ambulance.

Councilor McCaleb asked which ambulance this new unit would replace; Mr. Wooden asked Steve Jarrett, Acting Fire Chief, who then responded that it would replace Unit 2.

Motion: Move to award the bid submitted by Nebkan Emergency Vehicles LLC for the purchase of an ambulance

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

C. Consideration of, possible approval and authorization to reject all bids received and authorization to re-advertise Sanitary Sewer Lift Station Improvements, Contract A

Item Minutes: City Manager Dave Wooden said this item is part of the Oklahoma Department of Environmental Quality Consent Order No. 08-213, dated October 21, 2008. He described it as a direct result of the December 2007 ice storm when a large number of lift stations were without power for an extended period of time; the Oklahoma Department of Environmental Quality subsequently directed that the City put generators at those stations to preclude any such overflows in the future. Mr. Wooden said it was advertised for bid, but most of the bid documents received contained errors. He further stated that even if the fourth bid the first bid received without error) were accepted, Staff wasn't sure they would be getting what they asked for. For these reasons, he said Staff recommends that the bids be rejected and the City re-advertise. He then explained that if the Council concurs, two motions are needed: the first one as written to reject all bids and re-advertise sanitary sewer lift station improvements), and the second one stating that in the opinion of the governing body it's in the best interest of the people of the state of Oklahoma and the City of Broken Arrow to reject the bids.

Mayor Lester asked if the motions need to be in that order and City Attorney Beth Anne Wilkening confirmed that.

Motion: Move to reject all bids and re-advertise the sanitary sewer lift station improvements

Motion b Wade McCaleb

Second b Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Motion: Move that we find in the opinion of the governing body the best interests of the people of the state of Oklahoma and the City of Broken Arrow will be best served by rejection of all bids and re-advertisement of the sanitary

sewer lift station improvements, Contract A

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

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- D. Consideration of, possible approval and authorization to execute Resolution No. 684, a Resolution of the Broken Arrow City Council confirming the apportionment and assessment regarding the improvements to the stormwater sewer systems of Steeple Chase Farms and Amended Glen Eagles

Item Minutes: City Manager Dave Wooden said this is the last step in putting together the assessment district for the stormwater improvements in the Steeple Chase Farms and Amended Glen Eagles subdivisions. He said the improvements are complete and are working quite well, and the funds can be collected once this resolution is approved. After conferring with City Attorney Beth Anne Wilkening, Mr. Wooden stated that after the resolution is approved an ordinance will need to be drafted and brought before the Council for approval at the next meeting.

Motion:	Move to approve Resolution 684 and authorize its execution
Motion by:	Jill Norman
Second by:	Craig Thurmond
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- E. Consideration of, possible approval and authorization to execute Resolution No. 685, a Resolution of the Broken Arrow City Council providing notice of and calling for a non-partisan general election, if needed, for its officers to be held on Tuesday, April 5, 2011

Item Minutes: City Manager Dave Wooden said it's time to schedule elections for City Council positions in Ward 3, Ward 4, and at-large, adding that notice of election must be published and then provided to the state election board 60 days in advance. He stated that terms for these offices will be through the year 2015.

Motion:	Move to approve Resolution 685
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

10. City Manager's Report

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

11. Preview Ordinances

- A. An Ordinance closing a water line, roadway and access and utility easements in Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma; and repealing all ordinances to the contrary.

Item Minutes: City Attorney Beth Anne Wilkening said this item would close the water line, roadway and access and utility easements in the Flight Safety area. She stated that utility companies and Staff have reviewed this request and are in agreement with this closure provided that access easements and water line easements are dedicated by way of platting the property. Ms. Wilkening added that this item was carefully evaluated since the property is owned by the city, but in her opinion this seems to be in the best interest of the citizens as well as the tenant, Flight Safety.

Motion:	Move to approve the preview the ordinance and set it for possible adoption at the next City Council meeting
Motion by:	Wade McCaleb

D. Consideration of, possible approval and authorization to execute Resolution No. 684, a Resolution of the Broken Arrow City Council confirming the apportionment and assessment regarding the improvements to the stormwater sewer systems of Steeple Chase Farms and Amended Glen Eagles
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Motion: Move to approve Resolution 684 and authorize its execution

Motion by: Jill Norman

Second by: Craig Thurmond

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Crai Thurmond, Mike Lester

Nays: None

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Motion: Move to approve Resolution 685

Motion by: Wade McCaleb

Second by: Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

10. City Manager's Report

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

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Motion: Move to approve the preview the ordinance and set it for possible adoption at the next City Council meeting

Motion by: Wade McCaleb

Broken Arrow City Council Page 4 of 6 January 4, 2011

Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

12. Ordinances

Section Minutes: The ordinances 12A, 12B, and 12C were taken together. City Manager Dave Wooden said ordinances 3141 and 3142 were brought before the Council at the last meeting, when the Council directed Staff to change the permit approval authority indicated in the ordinances to the City Manager. He said these changes have been made, and Staff recommends that the Council approve both of these ordinances and act on the emergency clauses separately.

Mr. Wooden then said ordinance 3144 is a change to the building code, removing the municipal requirement to register journeymen and apprentices, addressing the contractor registration fee, and repealing all ordinances in conflict with it. Again, he asked that the emergency clause be acted on separately.

- A. Adopt Ordinance No. 3141, an ordinance amending Chapter 4, Article V, Section 4-86 of the Broken Arrow Code pertaining to Transporting Low-Point Beer in Opened Containers; possession in public places; repealing all ordinances to the contrary; and declaring an emergency
- B. Adopt Ordinance No. 3142, an ordinance amending Chapter 4, Article II, Section 4-13 of the Broken Arrow Code pertaining to Transporting Alcoholic Beverages in Opened Containers; Possession in Public Places; repealing all ordinances to the contrary; and declaring an emergency
- C. Adopt Ordinance No. 3144, an Ordinance amending the Building Code, Chapter 6, Article IV. Electrical Code, Article V. Plumbing Code, Article VII. Mechanical Code and Article XI. Building Permit Fees and Charges; by removing the municipal requirement to register journeymen and apprentices, and by increasing the contractor registration fee, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Motion:	Move to adopt Ordinances 3141, 3142, and 3144
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	Wade McCaleb

Motion:	Move to adopt the emergency clause on Ordinances 3141, 3142, and 3144
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	Wade McCaleb

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or inquiries by governing body members.

At approximately 6:48 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion:	Move to recess into the Broken Arrow Municipal Authority followed by the
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Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

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Motion: Move to adopt Ordinances 3141, 3142, and 3144

Motion b Wade McCaleb

Second b Craig Thurmond

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: Wade McCaleb

Motion: Move to adopt the emergency clause on Ordinances 3141, 3142, and 3144

Motion b Wade McCaleb

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: Wade McCaleb

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or inquiries by governing body members.

At approximately 6:48 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion:

Move to recess into the Broken Arrow Municipal Authority followed by the

Broken Arrow City Council Page 5 of 6 January 4, 2011

	Broken Arrow Economic Development Authority meeting.
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester reconvened the regular Council meeting at approximately 6:50 p.m.

Mayor Lester then asked for a motion to take a short break in order to clear the room prior to entering into Executive Session.

Motion:	Move to take a recess prior to entering into Executive Session
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester reconvened the regular session of the City Council meeting at approximately 6:55 p.m.

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

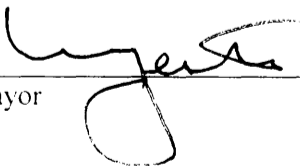
14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow v. Roland Investments, Ltd., et al., Tulsa County District Court Case Number CV-2010-0657, 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.

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:05 p.m., and the room was opened for those in attendance.

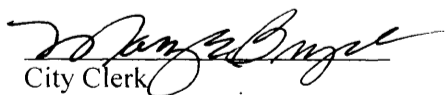
15. **Adjournment**

Section Minutes: The meeting adjourned at approximately 7:05 p.m.

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


 Mayor

Attest:


 City Clerk



Broken Arrow Economic Development Authority meeting.

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Mayor Lester reconvened the regular Council meeting at approximately 6:50 p.m.

Mayor Lester then asked for a motion to take a short break in order to clear the room prior to entering into Executive Session.

Motion: Move to take a recess prior to entering into Executive Session

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

1 Nays: None

Mayor Lester reconvened the regular session of the City Council meeting at approximately 6:55 p.m.

Motion: Move to enter into Executive Session

Motion b Richard Carter

Second by: Craig Thurmond

Ayes. Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Navs: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow v. Roland Investments, Ltd., et al., Tulsa County District Court Case Number CV-2010-0657, 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.

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:05 p.m., and the room was opened for those in attendance.

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:05 p.m.

Motion: Move to adjourn

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes.

1 Nays: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

None

Attest:

A R R p

Broken Arrow City Council Page 6 01'6

January 4, 2011