

**BROKEN ARROW CITY COUNCIL
SPECIAL MEETING MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
February 8, 2011
5:30 PM**

1. Call to Order

Section Minutes: Mayor Lester called the meeting to order at approximately 5:30 p.m.

2. Invocation

Section Minutes: There was no one present to deliver the invocation.

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

- A. Approval of regular meeting minutes of January 18, 2011
- B. Acceptance of the minutes of the Planning Commission meeting held January 13, 2010.
- C. Approval of and authorization to publish the Notice of Availability of the Fiscal Year 2009-2010 annual audit for public inspection
- D. Approval of and authorization to execute a Hold Harmless Agreement and a Pet Food Donation Agreement between Wal-Mart Stores East, LP and the City of Broken Arrow, Oklahoma
- E. Approval of Final Acceptance for the Public Improvement at 9th Street Box Replacement
- F. Approval of BAZ 1864, 0.18 acres, R-3 to RS-3, one-third mile south of Kenosha Street (71st Street), west of 9th Street (Lynn Lane/177th East Avenue) at 831 East Elgin Place
- G. Acceptance of an Easement located approximately 78 feet North and 1624 feet West of the intersection of E 23rd St (193rd E Ave) and E New Orleans St (E 101st St) from Public Service Company of Oklahoma (S24 T18N R14E)(Project: New Orleans Widening 9th to 23rd #ST0528)
- H. Approval of the Claims List

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Present: Jill

Absent None

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4. Pledge of Allegiance to the Flag

Section Minutes: Mayor Lester 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 Richard Carter

Second b Jill Norman

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

Nays: None

A. Approval of regular meeting minutes of January 18, 2011

B. Acceptance of the minutes of the Planning Commission meeting held January 13, 2010.

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Broken Arrow City Council Page 1 of 4

February 8, 2011

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**

Section Minutes: There were no public hearings, appeals, presentations, recognitions, awards, or oaths.

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 exemption waiver pursuant to section, Chapter 6, Building and Building Regulations, Article V. Plumbing, Section 6-95.10.a, to Allow Grease Trap Inside Building

Item Minutes: City Manager Dave Wooden said this request for a waiver is for the Main Street Tavern at 200 S. Main. In the process of trying to fit the restaurant into the existing structure, he said problems were encountered with locating the grease trap outside, in the back alley. Mr. Wooden said the Development Services Department worked with the architect to come up with a solution which provides for the grease trap to be located inside the building, equipped with all necessary items to ensure safe interior use. He said staff recommends approval of the exemption waiver to allow the grease trap to be located in the rear corridor of the structure.

Council Norman asked about the significance of the location of the grease trap, and Mr. Wooden answered that an interior location requires extra precautions to prevent an odor problem as well as consideration of ease of access for cleaning.

Motion:	Move to approve the exemption waiver to allow a grease trap to be located in the rear corridor of the structure
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

B. Consideration and possible approval of a letter extending an invitation to MVA, Inc, d/b/a/Museum of Military History to move their Museum to Main Place

Item Minutes: City Manager Dave Wooden stated that this item authorizes the mayor to sign a letter inviting the Museum of Military History to move to the previous Broken Arrow Historical Society Museum site at Main Place. He said the City has been in discussion with Dr. Clarence Oliver who initiated this process on behalf of the Museum of Military History. Mr. Wooden described this museum as very interesting, with quality displays, and added that all of the council members have had an opportunity to view this museum. Although ultimately another location will be needed for this museum, Mr. Wooden said the old museum site at Main Place will provide an opportunity for them to exhibit their items until a more permanent location is found. He also said the City is working with the Broken Arrow Historical Society to find a new storage location for items they have stored at the Main Place site. Mr. Wooden then said that Staff recommends Council approve the letter to the Museum of Military History and authorize the mayor to execute it.

Councilor Carter commented that after touring this museum he thinks it will be a welcome addition to Broken Arrow and to the education of its students and citizens about military history.

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

Section Minutes: There were no public hearings, appeals, presentations, recognitions, awards, or oaths.

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

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Council Norman asked about the significance of the location of the grease trap, and Mr. Wooden answered that an interior location requires extra precautions to prevent an odor problem as well as consideration of ease of access for cleaning.

Motion: Move to approve the exemption waiver to allow a grease trap to be located in the rear corridor of the structure

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

B. Consideration and possible approval of a letter extending an invitation to MVA, Inc, d/b/a/Museum of Military History to move their Museum to Main Place

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to Broken Arrow and to the education of its students and citizens about military history.
Broken Arrow City Council Page 2 of 4 February 8, 2011

Motion:	Move to approve and authorize execution of the attached letter
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Consideration and possible approval of appointment of Michelle Guillory to the Convention and Visitors Bureau

Item Minutes: City Manager Dave Wooden reminded the Council that at the last meeting Ms. Guillory, an Event, Entertainment and Tourism instructor at Tulsa Technology Center was nominated to the Convention and Visitors Bureau. He described her as extremely well-qualified and said Staff recommends Council approve her appointment with a term expiring September 30, 2012.

Motion:	Move to approve the appointment of Michelle Guillory to the Broken Arrow Convention and Visitors Bureau with a term expiring September 30, 2012
Motion by:	Richard Carter
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

Section Minutes: The Preview Ordinances 11A, 11B, and 11C were taken together.

- A. Consideration and possible Approval of an Ordinance, not to be codified, hereby acknowledging the Amended Glen Eagles and Steeple Chase Farms Assessment District, Referring to the Amended Public Improvement Assessment Roll as Confirmed, Providing for payment, Levying assessments in accordance with the Roll and declaring liens; and repealing all ordinances to the contrary

Item Minutes: City Manager Dave Wooden said this item, pertaining to the Amended Glen Eagles and Steeple Farms Assessment District, has been through all of the legal steps and Staff recommends that it be set for adoption at the next City Council meeting.

- B. An Ordinance amending Chapter 24, pertaining to Water, Sewers and Sewage Disposal, Article I, Overview and Definitions; repealing all ordinances to the contrary and declaring an emergency

Item Minutes: City Manager Dave Wooden said this ordinance change will accommodate citizens' requests for dealing with the City's standard sewer rate. Previously, he said new customers were charged the assumed average of 9100 gallons per month. He explained that customers who don't have a usage history with the City will now have the option of being charged their actual metered water usage rate as their sanitary sewer rate until an average rate can be calculated for the customer. In addition, Mr. Wooden said commercial customers may elect to be charged actual metered water usage rate or a calculated sewer average rate for sewer charges, but such elections will be binding for a minimum of 12 months. He believes that the items listed in the Fact Sheet will resolve a lot of the complaints associated with the sanitary sewer billing system.

Motion: Move to approve and authorize execution of the attached letter

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

C. Consideration and possible approval of appointment of Michelle Guillory to the Convention and Visitors Bureau

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Motion: Move to approve the appointment of Michelle Guillory to the Broken Arrow Convention and Visitors Bureau with a term expiring September 30, 2012

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

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

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Broken Arrow City Council Page 3 of 4 February 8, 2011

Councilor McCaleb asked if the average referred to by Mr. Wooden pertained to only the winter months; Mr. Wooden answered that the three winter months are averaged, but in some cases it's more advantageous to the customer to use the actual billing instead of the three-month average.

- C. An Ordinance amending Chapter 24, Article III, pertaining to Requirements for Sewer Service, Section 24-304 Determination of Charges; repealing all ordinances to the contrary and declaring an emergency

Item Minutes: City Manager Dave Wooden explained that whereas Preview Ordinance 11B addressed definitions associated with the change in the sanitary sewer billing system, this ordinance contains the actual verbiage for the change itself. He said it also contains an update, changing outdated references to the Public Works Director to the Utility Department Director.

Councilor McCaleb asked Mr. Wooden to clarify how billing will be handled if there's no record of prior service; Mr. Wooden said new customers will now be offered their choice of either the 9100 gallon assumed average rate or their actual water usage rate.

Motion:	Move to set the Preview Ordinances on the next Council agenda for possible adoption
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

12. Ordinances

Section Minutes: There were no ordinances.

13. Remarks and Inquiries by Governing Body Members

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

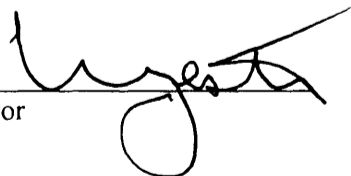
14. Executive Session

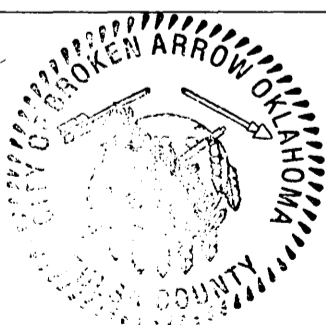
Section Minutes: There was no Executive Session.

15. Adjournment

Section Minutes: The meeting adjourned at approximately 5:40 p.m.

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


 Mayor



Attest:

 City Clerk

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Motion: Move to set the Preview Ordinances on the next Council agenda for possible adoption

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

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

Nays: None

Attest:

Broken Arrow City Council Page 4 of 4 February 8, 2011