

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
February 15, 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: Scott Keele of the Broken Arrow Church of Christ delivered 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: Vice-Mayor Thurmond 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:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Approval of the City Council and Broken Arrow Municipal Authority Joint Special meeting minutes of January 25, 2011
- B. Approval of special City Council meeting minutes of February 8, 2011
- C. Acceptance of the minutes of the Planning Commission meeting held January 27, 2011
- D. Approval of and authorization to execute Budget Amendment Number 10 for Fiscal Year 2010-2011
- E. Approval of a Use Agreement with the Broken Arrow Adult Softball Association (BAASA)
- F. Approval of and authorization to execute an A-E contact for the Events Park Roadway Design
- G. Approval of a protocol for Police to protect the community during public meetings or events as coordinated by the City of Broken Arrow
- H. Approval of SP 253 (Specific Use Permit), Future School Campus, 92.8 acres, 1 lot, A-1, northeast corner of Oneta Road (241st East Avenue) and Washington Street (91st Street)

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Section Minutes: Scott Keele of the Broken Arrow Church of Christ delivered the invocation.

3. Roll Call

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Crai Thurmond Mike

Jill Norman, Wade e McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Present: Jill Norman,

None

Absent: None

4. Pledge of Allegiance to the Flag

Section Minutes: Vice-Mayor Thurmond 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 Wade McCaleb

Second b Richard Carter

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

Nays: None

A. Approval of the City Council and Broken Arrow Municipal Authority Joint Special meeting minutes of January 25, 2011

B. Approval of special City Council meeting minutes of February 8, 2011

C. Acceptance of the minutes of the Planning Commission meeting held January 27, 2011

D. Approval of and authorization to execute Budget Amendment Number 10 for Fiscal Year 2010-2011

E. Approval of a Use Agreement with the Broken Arrow Adult Softball Association BAASA)

F. Approval of and authorization to execute an A-E contact for the Events Park Roadway Design

G. Approval of a protocol for Police to protect the community during public meetings or events as coordinated by the City of Broken Arrow

H. Approval of SP 253 Specific Use Permit), Future School Campus, 92.8 acres, 1 lot, A-1, northeast corner of Oneta Road 241st East Avenue) and Washington Street 91st Street)

- I. Approval of SP 254 (Specific Use Permit), South Intermediate High School, 93 acres, 1 lot, R-1, R-2, and SP 213, located south of New Orleans Street (101st Street), one-half mile east of Elm Place (161st East Avenue), at 301 West New Orleans Street
- J. Approval of bids received and award the most advantageous bid for the purchase of ammunition for the Police Department
- K. 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

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 Flood-Prone Property Transfer to the City of Broken Arrow from Woodland Park at Aspen Creek Homeowners Association

Item Minutes: City Manager Dave Wooden described this item as a request from Woodland Park at Aspen Creek for the City to take over the flood-prone property in their subdivision. He said the property is being offered to the City under the Flood Area Management Program Policy approved by the Council, under which the City takes possession of flood-prone property, maintains it, and prepares it so it will better serve the citizens in that area. Mr. Wooden explained that since the property was originally owned by the Homeowners Association, it has to be transferred to the City. He said the city already owns a substantial portion of the floodplain in this particular area, and this completes the transfer of that floodplain to the City. Mr. Wooden stated that Staff recommends Council accept the donation of the flood-prone properties from Woodland Park at Aspen Creek Homeowners Association.

Councilor McCaleb asked if there were some adjustments made to the flood zone designation in this area a few years ago, and Mr. Wooden confirmed that and said all necessary corrections have been made.

Motion:	Move to accept the donation of flood-prone properties from Woodland Park at Aspen Creek Homeowner's Association
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 contribution to the Tulsa Future II Economic Development Program

Item Minutes: City Manager Dave Wooden described Tulsa Future II as a five-year economic development program which has strong support both in the business community and in public sectors in Northeastern Oklahoma. He said this is the second of the programs; the first program was funded primarily by business interests in Tulsa and by the City of Tulsa. Mr. Wooden further explained that Tulsa Future II is attempting to spread this out and make it a more regional approach to economic development; as the Fact Sheet indicates, a large number of other cities are involved. He said he believes this gives the City a seat at the table for regional economic development. However, Mr. Wooden noted that there are some items (identified in the Fact Sheet) the City should deal with before any funds are sent to Tulsa Future II. He said although they have asked for a five-year contract of \$20,000 per year, the City can only provide one year at a time of financing, and Tulsa

I. Approval of SP 254 Specific Use Permit), South Intermediate High School, 93 acres, 1 lot, R-1, R-2, and SP 213, located south of New Orleans Street 101st Street), one-half mile east of Elm Place 161st East Avenue), at 301 West New Orleans Street

J. Approval of bids received and award the most advantageous bid for the purchase of ammunition for the Police Department

K. 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

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 Flood-Prone Property Transfer to the City of Broken Arrow from Woodland Park at Aspen Creek Homeowners Association

Item Minutes: City Manager Dave Wooden described this item as a request from Woodland Park at Aspen Creek for the City to take over the flood-prone property in their subdivision. He said the property is being offered to the City under the Flood Area Management Program Policy approved by the Council, under which the City takes possession of flood-prone property, maintains it, and prepares it so it will better serve the citizens in that area. Mr. Wooden explained that since the property was originally owned by the Homeowners Association, it has to be transferred to the City. He said the city already owns a substantial portion of the floodplain in this particular area, and this completes the transfer of that floodplain to the City. Mr. Wooden stated that Staff recommends Council accept the donation of the flood-prone properties from Woodland Park at Aspen Creek Homeowners Association.

Councilor McCaleb asked if there were some adjustments made to the flood zone designation in this area a few years ago, and Mr. Wooden confirmed that and said all necessary corrections have been made.

Motion: Move to accept the donation of flood-prone properties from Woodland

Park at Aspen Creek Homeowner's Association

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 contribution to the Tulsa Future II Economic Development Program

Item Minutes: City Manager Dave Wooden described Tulsa Future II as a five-year economic development program which has strong support both in the business community and in public sectors in Northeastern Oklahoma. He said this is the second of the programs; the first program was funded primarily by business interests in Tulsa and by the City of Tulsa. Mr. Wooden further explained that Tulsa Future II is attempting to spread this out and make it a more regional approach to economic development; as the Fact Sheet indicates, a large number of other cities are involved. He said he believes this gives the City a seat at the table for regional economic development. However, Mr. Wooden noted that there are some items identified in the Fact Sheet) the City should deal with before any funds are sent to Tulsa Future II. He said although they have asked for a five-year contract of \$20,000 per year, the City can only provide one year at a time of financing, and Tulsa

Future II understands the City's position. Mr. Wooden then asked the Council to authorize the expenditure of the funds for Fiscal Year 2011 for the Tulsa Future II Economic Development program. He said he will then work with Tulsa Future II on issues identified in the Fact Sheet such as representation and the City's participation in the program. He also stated that the final funding will have to be approved by the Economic Development Authority.

Councilor Carter commented that he strongly believes in regional cooperation and development and that the City needs a seat at the table.

Motion:	Move to authorize the expenditure of \$20,000 for Fiscal Year 2011 for the Tulsa Future II Economic Development program
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

C. Consideration of and possible approval of bids received and award of the most advantageous for the purchase of at least twenty (20) police pursuit vehicles

Item Minutes: City Manager Dave Wooden said bid packets were sent out to ten vendors for police pursuit vehicles, and a total of four bids were received: one for a Chevrolet Impala, two for Ford Crown Victorias, and one for a Dodge Charger. He said in accordance with City purchasing procedures, the state contracts for these models were included in the consideration. Mr. Wooden said the lowest price for an Impala was under the state contract at \$21,246.00; the low bid received from Hudiburg Auto Group for the Impala was \$21,332.00; and the lowest price for the Crown Victoria was from Bob Hurley Ford at \$22,681.90. He said the police department recommends going with the bid from Bob Hurley rather than the low bidder because the Crown Victoria is the most advantageous and best meets the department's needs for the following reasons: it's the rear-wheel drive vehicle they have been using for quite some time; they currently have the equipment necessary to maintain the Crown Victoria as well as maintenance personnel trained to deal with this car; equipment can be transferred from the department's current vehicles to the Crown Victoria; and it provides the Police Department some continuity in their vehicles. Mr. Wooden said the recommendation is for the purchase of 20 Crown Victoria police cruisers at a cost of \$22,681.90 each plus one set of service manuals at \$207.90 for a total cost of \$453,827.90. He stated that this purchase will be funded out of the Sales Tax Capital Improvement Funding. He said Staff recommends approval of bids received and award of the most advantageous bid for the purchase of 20 full-sized Crown Victoria police cruisers to Bob Hurley Ford.

Motion:	Move to approve bids received and award of the most advantageous bid for the purchase of 20 full-sized Crown Victoria police cruisers to Bob Hurley Ford
Motion by:	Jill Norman
Second by:	Craig Thurmond
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 and 11B were taken together.

- A. An ordinance closing two (2) rights-of-way in part of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section Two (2), Township Eighteen North (T18N), Range Fourteen East (R14E) Tulsa County, State of Oklahoma; and A tract of land situated in the Northeast Quarter of the Southeast Quarter (NE/4 SE/4)

Future II understands the City's position. Mr. Wooden then asked the Council to authorize the expenditure of the funds for Fiscal Year 2011 for the Tulsa Future II Economic Development program. He said he will then work with Tulsa Future II on issues identified in the Fact Sheet such as representation and the City's participation in the program. He also stated that the final funding will have to be approved by the Economic Development Authority.

Councilor Carter commented that he strongly believes in regional cooperation and development and that the City needs a seat at the table.

Motion: Move to authorize the expenditure of \$20,000 for Fiscal Year 2011 for the Tulsa Future II Economic Development program

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

C. Consideration of and possible approval of bids received and award of the most advantageous for the purchase of at least twenty 20) police pursuit vehicles

Item Minutes: City Manager Dave Wooden said bid packets were sent out to ten vendors for police pursuit vehicles, and a total of four bids were received: one for a Chevrolet Impala, two for Ford Crown Victorias, and one for a Dodge Charger. He said in accordance with City purchasing procedures, the state contracts for these models were included in the consideration. Mr. Wooden said the lowest price for an Impala was under the state contract at \$21,246.00; the low bid received from Hudiburg Auto Group for the Impala was \$21,332.00; and the lowest price for the Crown Victoria was from Bob Hurley Ford at \$22,681.90. He said the police department recommends going with the bid from Bob Hurley rather than the low bidder because the Crown Victoria is the most advantageous and best meets the department's needs for the following reasons: it's the rear-wheel drive vehicle they have been using for quite some time; they currently have the equipment necessary to maintain the Crown Victoria as well as maintenance personnel trained to deal with this car; equipment can be transferred from the department's current vehicles to the Crown Victoria; and it provides the Police Department some continuity in their vehicles. Mr. Wooden said the recommendation is for the purchase of 20 Crown Victoria police cruisers at a cost of \$22,681.90 each plus one set of service manuals at \$207.90 for a total cost of \$453,827.90. He stated that this purchase will be funded out of the Sales Tax Capital Improvement Funding. He said Staff recommends approval of bids received and award of the most advantageous bid for the purchase of 20 full-sized Crown Victoria police cruisers to Bob Hurley Ford.

Motion: Move to approve bids received and award of the most advantageous bid for the purchase of 20 full-sized Crown Victoria police cruisers to Bob Hurley

Ford

Motion b Jill Norman

Second b Craig Thurmond

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 11 A and 11 B were taken together.

A. An ordinance closing two 2) rights-of-way in part of the Northeast Quarter NE/4) of the Southeast Quarter

SE/4) of Section Two 2), Township Eighteen North T18N), Range Fourteen East R14E) Tulsa County,
State of Oklahoma; and A tract of land situated in the Northeast Quarter of the Southeast Quarter NE/4 SE/4)
Broken Arrow City Council Page 3 of 6 February 15, 2011

of Section 2, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; and repealing all ordinances to the contrary (Project: PT10-108 Hillside Plaza) (located north of Kenosha Street and west of 9th Street)

Item Minutes: City Manager Dave Wooden said this item closes part of an existing right-of-way off of Ninth Street just north of the Broken Arrow expressway. He said currently there is a road that comes out of Hillside Drive and Ninth Street which will be done away with when Hillside Drive is constructed, and in order to get the plat set so Hillside Drive can be constructed, the current right-of-way needs to be closed and the new right-of-way transferred to the City. Mr. Wooden added that the transfer of this right-of-way is secured by the fact that the current owner can't sell any property until he gives the City the right-of-way.

- B. An Ordinance closing a temporary access easement, detention easement and drainage easement in a part of the Northeast Quarter (NE/4) of Section Twenty (20), Township Eighteen (18) North, Range Fifteen (15) East of the Indian Base and Meridian, Wagoner County, State of Oklahoma (Coach Port Addition); and repealing all ordinances to the contrary (located west of 225th East Avenue and north of New Orleans Street)

Item Minutes: City Manager Dave Wooden said this item closes an easement in the Coach Port Addition, shutting down a detention and drainage easement so that the property can be utilized. He then stated that Staff recommends approval of this request for closure of the easement and detention facility easement.

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

12. Ordinances

Section Minutes: The Ordinances 11A and 11B were taken together; Ordinance 11C was taken separately.

- A. Adopt Ordinance No. 3148, an ordinance amending the Broken Arrow Code Chapter 24, Water, Sewers and Sewage Disposal, Article I, Overview and Definitions, Section 24-2, Definitions (particularly with regard to the definition of base period and sewer average); repealing all ordinances to the contrary and declaring an emergency
- B. Adopt Ordinance No. 3149, an ordinance amending Chapter 24, Article III, pertaining to Requirements for Sewer Service, Section 24-304 Determination of Charges (particularly with regard to allowance of residential and commercial customers to be billed at actual metered water usage or calculated sewer average); repealing all ordinances to the contrary and declaring an emergency

Item Minutes: City Manager Dave Wooden explained that Ordinance A changes the definitions in regards to base period for average sewer usage. Ordinance B, he explained, changes how the City deals with the averaging for the sewer usage, allowing people to use either an average or their actual meter reading depending on how they set up their account with the city. Mr. Wooden said Staff believes it's in the best interest of the citizens and provides the most accurate estimate of sewer usage. He then stated that Staff recommends Council approve ordinances 3148 and 3149 and act on the emergency clauses separately.

Motion:	Move to adopt Ordinance 3148 and Ordinance 3149
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

of Section 2, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; and repealing all ordinances to the contrary Project: PT10-108 Hillside Plaza) located north of Kenosha Street and west of 9th Street)

Item Minutes: City Manager Dave Wooden said this item closes part of an existing right-of-way off of Ninth Street just north of the Broken Arrow expressway. He said currently there is a road that comes out of Hillside Drive and Ninth Street which will be done away with when Hillside Drive is constructed, and in order to get the plat set so Hillside Drive can be constructed, the current right-of-way needs to be closed and the new right-of-way transferred to the City. Mr. Wooden added that the transfer of this right-of-way is secured by the fact that the current owner can't sell any property until he gives the City the right-of-way.

B. An Ordinance closing a temporary access easement, detention easement and drainage easement in a part of the Northeast Quarter NE/4) of Section Twenty 20), Township Eighteen 18) North, Range Fifteen 15) East of the Indian Base and Meridian, Wagoner County, State of Oklahoma Coach Port Addition); and repealing all ordinances to the contrary located west of 225th East Avenue and north of New Orleans Street)

Item Minutes: City Manager Dave Wooden said this item closes an easement in the Coach Port Addition, shutting down a detention and drainage easement so that the property can be utilized. He then stated that Staff recommends approval of this request for closure of the easement and detention facility easement.

Motion: Move to set the two preview ordinances on the next Council agenda for possible adoption

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

12. Ordinances

Section Minutes: The Ordinances 11 A and I 1 B were taken together; Ordinance 11 C was taken separately.

A. Adopt Ordinance No. 3148, an ordinance amending the Broken Arrow Code Chapter 24, Water, Sewers and Sewage Disposal, Article I, Overview and Definitions, Section 24-2, Definitions particularly with regard to the definition of base period and sewer average); repealing all ordinances to the contrary and declaring an emergency

B. Adopt Ordinance No. 3149, an ordinance amending Chapter 24, Article III, pertaining to Requirements for Sewer Service, Section 24-304 Determination of Charges particularly with regard to allowance of residential and commercial customers to be billed at actual metered water usage or calculated sewer average); repealing all ordinances to the contrary and declaring an emergency

Item Minutes: City Manager Dave Wooden explained that Ordinance A changes the definitions in regards to base period for average sewer usage. Ordinance B, he explained, changes how the City deals with the averaging for the sewer usage, allowing people to use either an average or their actual meter reading depending on how they set up their account with the city. Mr. Wooden said Staff believes it's in the best interest of the citizens and provides the most accurate estimate of sewer usage. He then stated that Staff recommends Council approve ordinances 3148 and 3149 and act on the emergency clauses separately.

Motion: Move to adopt Ordinance 3148 and Ordinance 3149

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

Broken Arrow City Council Page 4 of 6 February 15, 2011

Motion:	Move to adopt the emergency clause for Ordinance 3148 and Ordinance 3149
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Adopt Ordinance No. 3150, 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 Attorney Beth Anne Wilkening described this ordinance as the final step in the Amended Glen Eagles and Steeple Chase Farms Assessment District. To clarify, she pointed out that after protests are received Council has the ability to direct changes to the assessment roll; because several individuals indicated they no longer owned property, and one protest was received, Staff went ahead and prepared that change so when Council approves the amended assessment roll this would be accomplished as well. She stressed that Staff has fulfilled all the statutory requirements, having notified by mail and also published in the newspaper, and has made changes according to Council direction to make sure it was done correctly. Ms. Wilkening recommended the Council adopt this ordinance, noting that no emergency clause is necessary, and said the ordinance will be published in total, thus providing additional notice. She praised City crews and City Manager Dave Wooden for their excellent work in accomplishing this.

Motion:	Move to adopt Ordinance 3150
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	Wade McCaleb

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb announced that he had decided not to run for Council again, citing some health issues that need to be resolved. He said the last 12 years have been interesting, noting that Councilor Carter has been there during that time as well. Noting how much things have changed, he remembered that 12 years ago there was no Creek Expressway, no Northeastern State University Broken Arrow, nor all the new development on the north side. He said it's been a pleasure to work with Councilor Carter for 12 years, Councilor Thurmond for 10, Mayor Lester for four, Councilor Norman for almost a year, and City Manager Dave Wooden all the way back to his role as Public Works Director.

Mayor Lester said he appreciates all Councilor McCaleb's time, going all the way back to the Planning Commission. Councilor Carter thanked Councilor McCaleb for his service to the community through the Planning Commission and his 12 years on the City Council.

At approximately 6:50 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 Economic Development Authority meeting.
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion: Move to adopt the emergency clause for Ordinance 3148 and Ordinance 3149

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

C. Adopt Ordinance No. 3150, 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

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Motion: Move to adopt Ordinance 3150

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: Wade McCaleb

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At approximately 6:50 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 Economic Development Authority meeting.

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Broken Arrow City Council Page 5 of 6 February 15, 2011

Mayor Lester reconvened the regular Council meeting at approximately 6:51 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:	Wade McCaleb
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:	Wade McCaleb
Second by:	Richard Carter
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 Stephanie Morgan, individually and as Parent and Next Friend of Aaron Totty, a minor vs. City of Broken Arrow, Wagoner County District Court Case Number CJ-2010-0283, under 25 O.S. §307(B)(4); and discussing candidates for the employment, hiring, and appointment of a Fire Chief for the City of Broken Arrow under 25 O.S. § 307(B)(1). 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 7:12 p.m., and the room was opened for those in attendance.

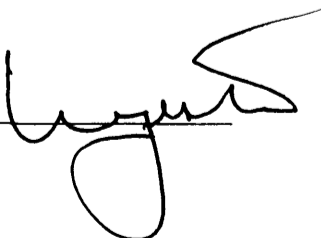
Motion:	Move to authorize the City Attorney's office to settle the case of Morgan and Totty v. City of Broken Arrow as directed
Motion by:	Craig Thurmond
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

15. **Adjournment**

Section Minutes: The meeting adjourned at approximately 7:13 p.m.

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

Mayor

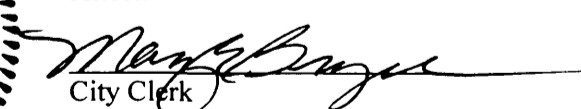


Broken Arrow City Council



Attest:

City Clerk



Mayor Lester reconvened the regular Council meeting at approximately 6:51 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 Wade McCaleb

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 b Wade McCaleb

Second b Richard Carter

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 Stephanie Morgan, individually and as Parent and Next Friend of Aaron Totty, a minor vs. City of Broken Arrow, Wagoner County District Court Case Number CJ-2010-0283, under 25 O.S.

307(B)(4); and discussing candidates for the employment, hiring, and appointment of a Fire Chief for the City of Broken Arrow under 25 O.S. 307(B)(1). 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 7:12 p.m., and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney's office to settle the case of Morgan and Totty v. City of Broken Arrow as directed

Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:13 p.m.

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman, Wade M ichard Carter, Craig Thurmond, Mike Lester

Nays: None A R p %

Mayor

Broken Arrow City Council

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Attest:

City Cl

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February 15

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