

**BROKEN ARROW CITY COUNCIL MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
October 4, 2011
6:30 PM**

1. Call to Order

Section Minutes: Mayor Mike Lester called the meeting to order at approximately 6:30 p.m.

2. Invocation

Section Minutes: No one was present to deliver an invocation

3. Roll Call

Present:	Johnnie Parks, Jill Norman, 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 Mike Lester asked if there were any items to be removed from the Consent Agenda; Councilor Jill Norman requested that Item 5F be removed.

Motion:	Move to approve the Consent Agenda with the exclusion of item 5F
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Approval of the meeting minutes of September 20, 2011
- B. Approval of and authorization to execute Budget Amendment Number 5 for Fiscal Year 2011-2012
- C. Approval of a Workers' Compensation Order awarding permanent partial disability benefits to Ronald Shaw, a retired Fire Department employee
- D. Approval of and authorization to execute an Architect-Engineer agreement for the design of Aspen Avenue Widening from Tucson Street to Florence Street
- E. Approval of and authorization to execute an Architect-Engineer agreement for the design of Old Town Streets - Broadway Avenue from Elm Place to Main Street
- G. Approval to declare soil material as surplus pursuant to an Earthwork Agreement with Boldt Construction and approval of and authorization to execute the Agreement for the site north of Washington Street and east of Oneta Road
- H. Approval to declare soil material as surplus pursuant to an Earthwork Agreement with Paragon Contractors, LLC, and approval of and authorization to execute the Agreement for the site on Tiger Hill south of Kenosha Street and west of 9th Street
- I. Approval of and authorization to execute the contract with Windstream Communications for enhanced 911 network services
- J. Approval of and authorization to execute a contract with Windstream Communications for 911 Maintenance Services
- K. Approval of and authorization to execute a contract with Windstream Communications for NexGen 911 System Upgrade related to the Wagoner County 911 Advisory Board shared 911 equipment
- L. Approval of and authorization to execute a contract with Windstream Communications for 911 upgrades related to the Public Safety Communications Centers 911 equipment
- M. Approval of bids received and award the most advantageous bid to Bonnell Industries for the purchase of five sand spreaders for the Streets Department
- N. Approval of bids received and award the most advantageous bid to Southwest Trailers for the purchase of four snow plows for the Streets Department
- O. Acceptance of a Deed of Dedication located in a tract of land in the SW/4 Sec. 36, T18N, R14E, in a portion of Lot 9 Block 6 Carriage Crossing Addition, Broken Arrow, situated at 2400 N. 14th Place, Broken Arrow from Joe M. Jarzen and Nancy M. Jarzen

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2. Invocation

Section Minutes: No one was present to deliver an invocation

3. Roll Call

Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Present: None

Absent:

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 Mike Lester asked if there were any items to be removed from the Consent Agenda: Councilor Jill Norman requested that Item 5F be removed.

Motion: Move to approve the Consent Agenda with the exclusion of item 5F

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

A. Approval of the meeting minutes of September 20, 2011

B. Approval of and authorization to execute Budget Amendment Number 5 for Fiscal Year 2011-201

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C. Approval of a Workers' Compensation Order awarding permanent partial disability benefits to Ronald Shaw, a retired Fire Department employee

D. Approval of and authorization to execute an Architect-Engineer agreement for the design of Aspen Avenue Widening from Tucson Street to Florence Street

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G. Approval to declare soil material as surplus pursuant to an Earthwork Agreement with Boldt Construction and approval of and authorization to execute the Agreement for the site north of Washington Street and east of Oneta Road

H. Approval to declare soil material as surplus pursuant to an Earthwork Agreement with Paragon Contractors, LLC, and approval of and authorization to execute the Agreement for the site on Tiger Hill south of Kenosha Street and west of 9th Street

1. Approval of and authorization to execute the contract with Windstream Communications for enhanced 911 network services

J. Approval of and authorization to execute a contract with Windstream Communications for 911 Maintenance Services

K. Approval of and authorization to execute a contract with Windstream Communications for NexGen 911 System Upgrade related to the Wagoner County 911 Advisory Board shared 911 equipment

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M. Approval of bids received and award the most advantageous bid to Bonnell Industries for the purchase of five sand spreaders for the Streets Department

N. Approval of bids received and award the most advantageous bid to Southwest Trailers for the purchase of four snow plows for the Streets Department

O. Acceptance of a Deed of Dedication located in a tract of land in the SW/4 Sec. 36, T18N, R14E, in a portion of Lot 9 Block 6 Carriage Crossing Addition, Broken Arrow, situated at 2400 N. 14th Place, Broken Arrow from Joe M. Jarzen and Nancy M. Jarzen

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- P. Acceptance of a Deed of Dedication located in a tract of land in the SW/4 Sec. 36, T18N, R14E, in a portion of Lot 10 Block 6 Carriage Crossing Addition, Broken Arrow, situated at 2404 N 14th Place, Broken Arrow from Dennis C. Enders and Carol J. Enders
- Q. Acceptance of a drainage easement located in the south ten (10) feet of the east three hundred sixty one (361) feet of the Northwest Quarter of Sec. 19, T19N, R15E, Wagoner County; situated 2640 feet east and 2640 feet south of the intersection of East 31st St So (E Rockford St) and North 23rd St (S 193rd E Ave) from Public Service Company of Oklahoma
- R. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

- 5F. Approval of and authorization to execute a Youth Counseling Agreement between the City of Broken Arrow and Youth Services of Tulsa County, Inc.

Item Minutes: Mayor Mike Lester asked for a motion on item 5F.

Councilor Norman left the room.

Motion:	Move to approve item F
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None
Recused:	Jill Norman

Councilor Norman returned to the room following the vote.

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

- A. Acceptance of a General Warranty Deed from Monte L. Dunham and Joan L. Dunham, husband and wife, for five (5) acres of land located at New Orleans and the Creek Turnpike in the City of Broken Arrow, Tulsa County, State of Oklahoma, for the purposes of a park, recognition of Mr. and Mrs. Dunham for their contribution, and presentation of letter of appreciation

Item Minutes: City Manager Dave Wooden informed the Council that Monte and Joan Dunham have made many contributions to the City, and now they wish to gift land to the City for a small park. Mr. Wooden said that Parks Director Scott Esmond put forth the idea of attempting to make this property into a dog park if possible; and, following a determination as to feasibility, a final determination as to the use of the park will be made. Mr. Dunham is a loyal supporter of the City and has participated in many developments in this area, and he has requested to have the park named after Rose West; and, because she loved wild flowers he also requested placement of a wild flower plot in memory of Ms. West who was the property owner from whom Mr. Dunham bought the property. Mr. Wooden said that the City Attorney's office recommends that Council accept the General Warranty Deed and present a letter of appreciation to Monte and Joan Dunham.

Motion:	Move to accept General Warranty Deed
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mr. Wooden read the letter to be presented to Mr. and Mrs. Dunham aloud. Mayor Lester presented the letter to Mr. Dunham.

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

Mayor Mike Lester called Mr. Rick Dixon to address Council regarding animal control. Mr. Dixon stated that as disabled citizens, he and his wife must hire someone to fix damage caused by stray animals. He said the Broken Arrow Animal Shelter's policy is to provide traps and that an officer will come to collect the animal. Mr. Dixon said that on September 12, 2011, when he called the shelter to request a trap, he was told that all the traps were being inventoried and therefore unavailable until the following week. On September 19th, 2011, Mr. Dixon requested a trap from the shelter again and was told that the traps were still unavailable. Mr. Dixon said he purchased a trap and caught raccoons and opossums over the next few days. Mr. Dixon said he was informed by the Animal Control Supervisor that they were going to start charging \$35 to cover costs of picking animals up. Mr. Dixon said he now also has to release the animals himself. City Attorney Beth Ann Wilkening said the issue has been brought to her attention by Lanny Dampf, Animal Control Supervisor and that some changes were pending, possibly in the form of an ordinance. She said her office would contact Mr. Dixon to address his concerns within the next week.

Mayor Mike Lester called Ms. Debra Wimpy forward. Ms. Wimpy said she is a business owner at 224 South Main Street and is requesting the Council help her come up with ways to promote Turn Broken Arrow Pink, a cancer awareness campaign. Ms. Wimpy suggested turning the water in the fountain on Main Street pink, putting pink light bulbs at the City Parks, or decorating the stadium pink for a game. These promotions could either be for the month of October or just the week of October 22nd - 29th. Mayor Lester said Communications Director, Stephanie Higgins would contact Ms. Wimpy to see what the City can do to promote Turn Broken Arrow Pink. Vice-Mayor Craig Thurmond stated that early detection is vital to surviving this disease.

Mayor Lester called Mr. Dan Burke forward. Mr. Burke stated that he lives in the Eagle Creek housing addition and was recently elected president of the Homeowners' Association. Mr. Burke said that a City Police Officer lives in the neighborhood and leaves his marked vehicle parked on the street. Mr. Burke said that the covenants of the Homeowners Association prohibit parking in the street but he believes the marked police vehicle parked in the street should be an exception to his neighborhood's policy because it serves as a crime deterrent. Mr. Burke added that as president-elect of the Homeowners Association, he plans to pursue changing the policy, but wants to know if a City ordinance was already in place

P. Acceptance of a Deed of Dedication located in a tract of land in the SW/4 Sec. 36, T 18N, R 14E, in a portion of Lot 10 Block 6 Carriage Crossing Addition, Broken Arrow, situated at 2404 N 14th Place, Broken Arrow from Dennis C. Enders and Carol J. Enders

Q. Acceptance of a drainage easement located in the south ten 10) feet of the east three hundred sixty one 361) feet of the Northwest Quarter of Sec. 19, T19N, R15E, Wagoner County; situated 2640 feet east and 2640 feet south of the intersection of East 31st St So E Rockford St) and North 23rd St S 193rd E Ave) from Public Service Company of Oklahoma

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Item Minutes: Mayor Mike Lester asked for a motion on item 5F.

Councilor Norman left the room.

Motion: Move to a rove item F

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Johnnie Parks, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Recused: Jill Norman

Councilor Norman returned to the room following the vote.

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Motion: Move to accept General Warranty Deed

Motion b Craig Thurmond

Second b Richard Carter

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

Na s: None

Mr. Wooden read the letter to be presented to Mr. and Mrs. Dunham aloud. Mayor Lester presented the letter to Mr. Dunham.

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few days. Mr. Dixon said he was informed by the Animal Control Supervisor that they were going to start charging \$35 to cover costs of picking animals up. Mr. Dixon said he now also has to release the animals himself. City Attorney Beth Ann Wilkening said the issue has been brought to her attention by Lanny Dampf, Animal Control Supervisor and that some changes were pending, possibly in the form of an ordinance. She said her office would contact Mr. Dixon to address his concerns within the next week.

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Broken Arrow CO- Council Page 2 of 6 October 4, 2011

to exempt marked Police vehicles from the neighborhood policy. Mayor Lester asked Mr. Burke if the street is a public street. Mr. Burke responded that it is. City Manager Dave Wooden stated that the City Ordinance allows parking on public streets. Mayor Lester said that covenants cannot be enforced by the City and also, covenants cannot prohibit citizens from parking on a public street; and, he added that the City will look into the issue and contact Mr. Burke.

9. General Council Business

- A. Consideration and possible approval for the Broken Arrow Economic Development Corporation (BAEDC) to initiate a search for conference center developers and to begin negotiations subject to Council approval for development of a Conference Center in the City of Broken Arrow

Item minutes: City Manager Dave Wooden described a General Obligation Bond Issue approved in May of 2004 for acquisition, construction, equipping and furnishing of a Broken Arrow Conference Center. He said that economic factors have delayed progress toward building the Conference Center. He added that finding a contractor for construction and operations is still an obstacle and the Broken Arrow Economic Development Corporation is offering to take on this task for the City at no cost other than those associated with construction of the Conference Center. Mayor Lester asked if there were any comments or questions regarding the contract. Mr. Jim Boze approached the Council as a representative of the BAEDC and stated that the BAEDC is excited and looking forward to begin work on the project.

Motion:	Move to authorize the Broken Arrow Economic Development Corporation (BAEDC) to initiate a search for conference center developers and to begin negotiations subject to Council approval for development of a Conference Center in the City of Broken Arrow
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. Consideration, possible approval and authorization to execute Resolution No. 718, a Resolution of the City of Broken Arrow expressing support for school district projects and calling for citizens to vote in the upcoming Broken Arrow Public School District Bond Election on October 11, 2011

Item Minutes: City Manager Dave Wooden introduced Dr. Jared Mendenhall to discuss the Broken Arrow Public Schools bond election which is the subject of Resolution 718. Dr. Mendenhall said that the bond issue does not request any new money, but seeks approval to reorganize the money approved in the Bond election of 2009; and, if the Bond issue passes on October 11, 2011, it will make it possible to get all students out of pre-fabricated buildings, and will allow for new security measures on building entrances, create 3 new elementary schools, 4 pre-kindergarten/early childhood centers, and 1 new middle school. Mayor Lester said he felt this was a good use of taxpayer bond funds and said the Resolution supports the bond issue and urges everyone to vote yes. Mr. Wooden stated that the City Attorney had clarified some wording in the Resolution but had made no material changes.

Motion:	Move to approve and authorize execution of Resolution No. 718
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Consideration and possible approval of the Fiscal Year 2011-12 and 2012-13 Labor Agreement with the Fraternal Order of Police Lodge # 170

Item minutes: City Manager Dave Wooden introduced Human Resources Director Russell Gale to provide some background information and answer any questions about the Agreement. Mr. Gale highlighted some of the changes, such as providing a 2.5% salary increase for bargaining members effective July 1, 2011, a memorandum of understanding on the use of holiday leave, and an additional 2.5% increase in the 2013 fiscal year for bargaining members which would be dependent on the City budget for that year. Mr. Gale said that if the City does not appropriate the funds for the increase, the City will be in bargaining status with the Fraternal Order of Police. Councilor Carter asked Mr. Gale to clarify the multi-year contract status in regards to the 2013 fiscal year budget approval, and Mr. Gale replied that if the Council adopts the budget, the funds would already be available for the increase.

Motion:	Move to approve the Fiscal Year 2011-12 and 2012-13 Labor Agreement with the Fraternal Order of Police Lodge # 170
Motion by:	Richard Carter
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- D. Consideration and possible approval of a 1.5% general wage increase to all non-union employees and providing that the general wage increase is retroactive to July 1, 2011, and eliminating any FY2012 wage increases based on increased sales tax collections

Item minutes: City Manager Dave Wooden said this increase brings the CWA bargaining members and all non-union employees to the same salary level increase as the FOP increase. He said this is in lieu of a general salary increase based on an expected Sales Tax increase. Councilor Norman asked for the specific amount of the Sales Tax increase and Mr. Wooden replied that the Sales Tax had to increase 6% of last year's average.

Motion:	Move to approve a 1.5% general wage increase to all non-union employees and providing that the general wage increase is retroactive to July 1, 2011, and eliminating any FY2012 wage increases based on increased sales tax collections
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

to exempt marked Police vehicles from the neighborhood policy. Mayor Lester asked Mr. Burke if the street is a public street. Mr. Burke responded that it is. City Manager Dave Wooden stated that the City Ordinance allows parking on public streets. Mayor Lester said that covenants cannot be enforced by the City and also, covenants cannot prohibit citizens from parking on a public street; and, he added that the City will look into the issue and contact Mr. Burke.

9. General Council Business

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Motion: Move to authorize the Broken Arrow Economic Development Corporation (BAEDC) to initiate a search for conference center developers and to begin negotiations subject to Council approval for development of a Conference Center in the City of Broken Arrow

Motion b Johnnie Parks

Second b Richard Carter

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

Nays: None

B. Consideration, possible approval and authorization to execute Resolution No. 718, a Resolution of the City of Broken Arrow expressing support for school district projects and calling for citizens to vote in the upcoming Broken Arrow Public School District Bond Election on October 11, 2011

Item Minutes: City Manager Dave Wooden introduced Dr. Jared Mendenhall to discuss the Broken Arrow Public Schools bond election which is the subject of Resolution 718. Dr. Mendenhall said that the bond issue does not request any new money, but seeks approval to reorganize the money approved in the Bond election of 2009; and, if the Bond issue passes on October 11, 2011, it will make it possible to get all students out of pre-fabricated buildings, and will allow for new security measures on building entrances, create 3 new elementary schools, 4 pre-kindergarten/early childhood centers, and 1 new middle school. Mayor Lester said he felt this was a good use of taxpayer bond funds and said the Resolution supports the bond issue and urges everyone to vote yes. Mr. Wooden stated that the City Attorney had clarified some wording in the Resolution but had made no material changes.

Motion: Move to approve and authorize execution of Resolution No. 718

Motion b Craig Thurmond

Second b Jill Norman

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

Nays: None

C. Consideration and possible approval of the Fiscal Year 2011-12 and 2012-13 Labor Agreement with the Fraternal Order of Police Lodge # 170

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Motion: Move to approve the Fiscal Year 2011-12 and 2012-13 Labor Agreement with the Fraternal Order of Police Lodge # 170

Motion b Richard Carter

Second b Johnnie Parks

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

Nays: None

D. Consideration and possible approval of a 1.5% general wage increase to all non-union employees and providing that the general wage increase is retroactive to July 1, 2011, and eliminating any FY2012 wage increases based on increased sales tax collections

Item minutes: City Manager Dave Wooden said this increase brings the CWA bargaining members and all non-union employees to the same salary level increase as the FOP increase. He said this is in lieu of a general salary increase based on an expected Sales Tax increase. Councilor Norman asked for the specific amount of the Sales Tax increase and Mr. Wooden replied that the Sales Tax had to increase 6% of last year's average.

Motion: Move to approve a 1.5% general wage increase to all non-union employees and providing that the general wage increase is retroactive to July 1, 2011, and eliminating any FY2012 wage increases based on increased sales tax collections

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

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- E. Consideration and possible approval to execute an Interlocal Agreement between the City of Broken Arrow and the City of Coweta for Cooperative Law Enforcement Efforts

Item minutes: City Manager Dave Wooden stated that the City of Coweta requests the use of Broken Arrow jail facilities as they currently only have a holding cell. This agreement allows Broken Arrow to be reimbursed for the cost of housing Coweta's inmates at the statutory rate and as amended. These rates will cover the costs imposed for the City of Broken Arrow to house the inmates and Coweta will only send adult prisoners for a cumulative period of less than thirty (30) days; and, in most instances, Coweta will be utilizing the Broken Arrow jail facilities for defendants who fail or refuse to pay their fines or when the Judge has ordered a jail sentence. Councilor Parks asked if the Agreement would impact our jail's carrying capacity. Mr. Wooden said that Broken Arrow takes precedence and if Broken Arrow is full, Coweta will have to use County facilities. Councilor Parks followed up by asking who bears the responsibility for transport if Coweta prisoners have to be transported to Wagoner County, and Mr. Wooden replied that Coweta would be responsible for transportation.

Motion:	Move to approve an Interlocal Agreement between the City of Broken Arrow and the City of Coweta for Cooperative Law Enforcement Efforts
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- F. Consideration and possible reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow Municipal Court

Item minutes: City Attorney Beth Ann Wilkening said the Judicial Nominating Committee unanimously recommended Steven Edgar and Dennis Sagely for Presiding Judge and Alternate Judge respectively at their meeting held on September 21, 2011. She said the Committee believed that Broken Arrow Municipal Court's reputation will be upheld by the reappointment of Steven Edgar and Dennis Sagely. Ms. Wilkening said that based on the Committee's recommendation, the Office of the City Attorney suggests the Council reappoint Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow Municipal Court, and the appointments are effective for 2 years.

Motion:	Move to approve the reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow Municipal Court
Motion by:	Richard Carter
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- G. Consideration and possible approval of reappointment of Jeff Hartman to the Convention and Visitors Bureau

Item minutes: City Manager Dave Wooden stated that Council approved the nomination of Mr. Hartman at the September 20, 2011 Council meeting, and this item asks Council to approve Mr. Hartman's reappointment to the Convention and Visitors Bureau with a term expiring September 30, 2013.

Motion:	Move to approve the reappointment of Mr. Jeff Hartman to the Broken Arrow Convention and Visitors bureau with a term expiring September 30, 2013
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- H. Consideration and possible approval of reappointment of Patsy Terry to the Convention and Visitors Bureau

Item minutes: City Manager Dave Wooden stated that Council approved the nomination of Ms. Terry at the September 20, 2011 Council meeting, and this item asks Council to approve Ms. Terry's reappointment to the Convention and Visitors Bureau with a term expiring September 30, 2013.

Motion:	Move to approve the reappointment of Patsy Terry to the Broken Arrow Convention and Visitors bureau with a term expiring September 30, 2013
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- I. Consideration and possible approval of the 2012 OneVoice Legislative Agenda

Item minutes: City Manager David Wooden stated that the OneVoice Legislative Agenda gives Broken Arrow a voice in the Tulsa Metro area. He said the City of Broken Arrow participated in the development of the OneVoice program by attending sub-committee meetings and the Tulsa Regional Business Summit, which was designed to more clearly define the objectives of the OneVoice agenda.

Motion:	Move to approve the 2012 OneVoice Legislative Agenda
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

10. City Manager's Report

E. Consideration and possible approval to execute an Interlocal Agreement between the City of Broken Arrow and the City of Coweta for Cooperative Law Enforcement Efforts

Item minutes: City Manager Dave Wooden stated that the City of Coweta requests the use of Broken Arrow jail facilities as they currently only have a holding cell. This agreement allows Broken Arrow to be reimbursed for the cost of housing Coweta's inmates at the statutory rate and as amended. These rates will cover the costs imposed for the City of Broken Arrow to house the inmates and Coweta will only send adult prisoners for a cumulative period of less than thirty (30) days; and, in most instances, Coweta will be utilizing the Broken Arrow jail facilities for defendants who fail or refuse to pay their fines or when the Judge has ordered a jail sentence. Councilor Parks asked if the Agreement would impact our jail's carrying capacity. Mr. Wooden said that Broken Arrow takes precedence and if Broken Arrow is full, Coweta will have to use County facilities. Councilor Parks followed up by asking who bears the responsibility for transport if Coweta prisoners have to be transported to Wagoner County, and Mr. Wooden replied that Coweta would be responsible for transportation.

Motion: Move to approve an Interlocal Agreement between the City of Broken Arrow and the City of Coweta for Cooperative Law Enforcement Efforts

Motion b Johnnie Parks

Second b Richard Carter

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

Nays: None

F. Consideration and possible reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow Municipal Court

Item minutes: City Attorney Beth Ann Wilkening said the Judicial Nominating Committee unanimously recommended Steven Edgar and Dennis Sagely for Presiding Judge and Alternate Judge respectively at their meeting held on September 21, 2011. She said the Committee believed that Broken Arrow Municipal Court's reputation will be upheld by the reappointment of Steven Edgar and Dennis Sagely. Ms. Wilkening said that based on the Committee's recommendation, the Office of the City Attorney suggests the Council reappoint Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow Municipal Court, and the appointments are effective for 2 years.

Motion: Move to approve the reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow Municipal Court

Motion b Richard Carter

Second b Johnnie Parks

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

Nays: None

G. Consideration and possible approval of reappointment of Jeff Hartman to the Convention and Visitors Bureau

Item minutes: City Manager Dave Wooden stated that Council approved the nomination of Mr. Hartman at the September 20, 2011 Council meeting, and this item asks Council to approve Mr. Hartman's reappointment to the Convention and Visitors Bureau with a term expiring September 30, 2013.

Motion: Move to approve the reappointment of Mr. Jeff Hartman to the Broken Arrow Convention and Visitors bureau with a term expiring September 30, 2013

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

H. Consideration and possible approval of reappointment of Patsy Terry to the Convention and Visitors Bureau

Item minutes: City Manager Dave Wooden stated that Council approved the nomination of Ms. Terry at the September 20, 2011 Council meeting, and this item asks Council to approve Ms. Terry's reappointment to the Convention and Visitors Bureau with a term expiring September 30, 2013.

Motion: Move to approve the reappointment of Patsy Terry to the Broken Arrow

Convention and Visitors bureau with a term expiring September 30, 2013

Motion b Johnnie Parks

Second b Jill Norman

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

Nays: None

1. Consideration and possible approval of the 2012 OneVoice Legislative Agenda

Item minutes: City Manager David Wooden stated that the OneVoice Legislative Agenda gives Broken Arrow a voice in the Tulsa Metro area. He said the City of Broken Arrow participated in the development of the OneVoice program by attending sub-committee meetings and the Tulsa Regional Business Summit, which was designed to more clearly define the objectives of the OneVoice agenda.

Motion: Move to approve the 2012 OneVoice Legislative Agenda

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

10. City Manager's Report

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

11. Preview Ordinances

- A. An ordinance amending the Broken Arrow Buildings and Building Regulations Code, Chapter 6 by adopting the OUBCC 2009 International Residential Code, including registration for general contractors and correcting the water meter tap fees, repealing all ordinances to the contrary

Item Minutes: City Manager Dave Wooden said this item changes Chapter 6 of the Broken Arrow Municipal code which relates to buildings and building regulations. Councilor Parks asked for clarification regarding the relationship of the Oklahoma Building Code to the International Building Code. Mr. Wooden said the City currently uses the 2009 International Building Code with adjustments, but the goal of the OUBCC was to create a comprehensive Code for the State of Oklahoma.

Motion:	Move to approve the preview ordinance and set for adoption
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. An ordinance amending the Broken Arrow Code, Chapter 12 Article II, section 12-23 and 12-24, Garbage and Other Refuse, and specifically providing for placement of refuse and removal of refuse containers at certain times and also allowing for the approval of approval of operational rules and regulations by the City Manager

Item Minutes: City Manager Dave Wooden said the City receives complaints about animals getting into trash when residents put their trash out too far in advance of pickup. He explained that this ordinance will require that trash cannot be put out on the curb prior to 5 p.m. the day before pickup and all containers must be removed within twelve (12) hours after being emptied; and, it also provides the City Manager the ability to regulate operations. Councilor Carter said he thought the afternoon or evening before was still too much time for trash to sit, but conceded that this ordinance change was better than no regulation.

Motion:	Move to approve the preview ordinance and set for adoption
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

12. Ordinances

- A. Adopt Ordinance No. 3179, an Ordinance Amending the Broken Arrow Code, Chapter 2, Administration, Article I, In General, Section 2-1, Ward Boundaries and specifically providing for redistricting and defining the boundary lines of the four (4) wards of the City of Broken Arrow; Repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: City Manager Dave Wooden said this ordinance addresses the new Ward Boundaries which Council previewed at the September 20, 2011 Council meeting. He said staff recommends the Council adopt the ordinance, vote

separately on the emergency clause, and he would be happy to answer any questions.

Motion:	Move to adopt Ordinance Number 3179
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to approve the Emergency Clause for Ordinance Number 3179
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. Adopt Ordinance No. 3180, an Ordinance Amending the Broken Arrow Code, Chapter 12, Garbage and Other Refuse, Article II, Collection by the City; Section 12-25, Charges Generally; Minimum Rate Charge; Monthly Rates for Residential Customers and Specifically Increasing the Monthly Rates and Extra Charges; Repealing all ordinances to the contrary and providing for an effective date

Item Minutes: City Manager Dave Wooden said this ordinance raises the sanitation rate by \$1 per month and that Council previewed this Ordinance at their September 20, 2011 meeting. He said that staff asks Council to adopt Ordinance 3180, and added that Broken Arrow would maintain its current status as the city with the lowest utility rates in the area

Motion:	Move to adopt Ordinance Number 3180
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Adopt Ordinance No. 3181, an Ordinance amending the Broken Arrow Code, Chapter 21, Article I, In General, Section 21-14, Streetlight Fee and, in particular, decreasing the Streetlight Fee; Repealing all ordinances to the contrary; and providing for an effective date

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

11. Preview Ordinances

A. An ordinance amending the Broken Arrow Buildings and Building Regulations Code, Chapter 6 by adopting the OUBCC 2009 International Residential Code, including registration for general contractors and correcting the water meter tap fees, repealing all ordinances to the contrary

Item Minutes: City Manager Dave Wooden said this item changes Chapter 6 of the Broken Arrow Municipal code which relates to buildings and building regulations. Councilor Parks asked for clarification regarding the relationship of the Oklahoma Building Code to the International Building Code. Mr. Wooden said the City currently uses the 2009 International Building Code with adjustments, but the goal of the OUBCC was to create a comprehensive Code for the State of Oklahoma.

Motion: Move to approve the preview ordinance and set for adoption

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

B. An ordinance amending the Broken Arrow Code, Chapter 12 Article if, section 12-23 and 12-24, Garbage and Other Refuse, and specifically providing for placement of refuse and removal of refuse containers at certain times and also allowing for the approval of approval of operational rules and regulations by the City Manager

Item Minutes: City Manager Dave Wooden said the City receives complaints about animals getting into trash when residents put their trash out too far in advance of pickup. He explained that this ordinance will require that trash cannot be put out on the curb prior to 5 p.m. the day before pickup and all containers must be removed within twelve 12) hours after being emptied; and, it also provides the City Manager the ability to regulate operations. Councilor Carter said he thought the afternoon or evening before was still too much time for trash to sit, but conceded that this ordinance change was better than no regulation.

Motion: Move to approve the preview ordinance and set for adoption

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

12. Ordinances

A. Adopt Ordinance No. 3179, an Ordinance Amending the Broken Arrow Code, Chapter 2, Administration, Article 1, In General, Section 2-1, Ward Boundaries and specifically providing for redistricting and defining the boundary lines of the four 4) wards of the City of Broken Arrow; Repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: City Manager Dave Wooden said this ordinance addresses the new Ward Boundaries which Council previewed at the September 20, 2011 Council meeting. He said staff recommends the Council adopt the ordinance, vote separately on the emergency clause, and he would be happy to answer any questions.

Motion: Move to adopt Ordinance Number 3179

Motion b Johnnie Parks

Second b Richard Carter

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

Nays: None

Motion: Move to approve the Emergency Clause for Ordinance Number 3179

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

B. Adopt Ordinance No. 3180, an Ordinance Amending the Broken Arrow Code, Chapter 12, Garbage and Other Refuse, Article II, Collection by the City; Section 12-25, Charges Generally; Minimum Rate Charge; Monthly Rates for Residential Customers and Specifically Increasing the Monthly Rates and Extra Charges; Repealing all ordinances to the

contrary and providing for an effective date

Item Minutes: City Manager Dave Wooden said this ordinance raises the sanitation rate by \$1 per month and that Council previewed this Ordinance at their September 20, 2011 meeting. He said that staff asks Council to adopt Ordinance 3180, and added that Broken Arrow would maintain its current status as the city with the lowest utility rates in the area

Motion: Move to adopt Ordinance Number 3180

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

C. Adopt Ordinance No. 318 I, an Ordinance amending the Broken Arrow Code, Chapter 21, Article I, In General, Section 21-14, Streetlight Fee and, in particular, decreasing the Streetlight Fee; Repealing all ordinances to the contrary; and providing for an effective date

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Item Minutes: City Manager Dave Wooden said that Council previewed this Ordinance at their September 20, 2011 meeting, and this ordinance reduces the streetlight fee by \$0.50 per customer.

Motion:	Move to adopt Ordinance Number 3181
Motion by:	Jill Norman
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- D. Adopt Ordinance No. 3182, an ordinance amending the Broken Arrow Code by amending Chapter 24, Water, Sewers and Sewage Disposal, Article VI, Water Service Charges and Rates, Sections 24-608 Water Rates and 24-609 Special Contract Rates Established, and specifically increasing the base charge water rate and special contract rates for water; repealing all ordinances to the contrary; and providing for an effective date

Item Minutes: City Manager Dave Wooden said that Council previewed this Ordinance at their September 20, 2011 meeting, and this ordinance proposes an increase to the water service base rate of \$1 and \$0.30 per thousand gallons.

Motion:	Move to adopt Ordinance Number 3182
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- E. Adopt Ordinance No. 3183, an ordinance amending the Broken Arrow Code, Chapter 24, Water, Sewers and Storage Disposal, Article VII, Sewer Service Charges and Rates, Sections 24-704 Rates for Sanitary Service Established and 24-707 Special Contract Rates Established, by increasing the charges made for sewer service; repealing all ordinances to the contrary; and providing for an effective date

Item Minutes: City Manager Dave Wooden said that Council previewed this Ordinance at their September 20, 2011 meeting, and this ordinance proposes an increase of \$1 to the base rate and \$0.15 per thousand gallons of wastewater treated.

Motion:	Move to adopt Ordinance Number 3183
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- F. Adopt Ordinance No. 3184, an ordinance amending the Broken Arrow Code, Chapter 25, Stormwater Management, Article VII, Stormwater and Floodplain Fee Schedules; Section 25-601, Stormwater Drainage System Service Charge and specifically increasing the charge establishing an effective date and Section 25-602, Fee-in-Lieu of detention rate; Repealing all ordinances to the contrary; and providing for an effective date

- G. **Item Minutes:** City Manager Dave Wooden said that Council previewed this Ordinance at their September 20, 2011 meeting, and this ordinance pertains to the stormwater fee. He said the ordinance proposes an increase \$0.50 per customer to the base rate and \$0.10 per square foot for new service areas and developments.

Motion:	Move to adopt Ordinance Number 3184
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

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

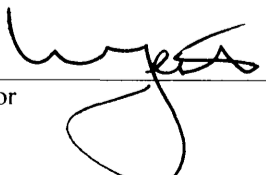
14. Executive Session



There was no Executive Session and no action was required or taken.

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:27 p.m.

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


Mayor

 **City Clerk**


Item Minutes: City Manager Dave Wooden said that Council previewed this Ordinance at their September 20, 2011 meeting. and this ordinance reduces the streetlight fee by \$0.50 per customer.

Motion: Move to adopt Ordinance Number 3181

Motion b Jill Norman

Second b Johnnie Parks

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

Nays: None

D. Adopt Ordinance No. 3182, an ordinance amending the Broken Arrow Code by amending Chapter 24, Water, Sewers and Sewage Disposal, Article V1, Water Service Charges and Rates, Sections 24-608 Water Rates and 24-609 Special Contract Rates Established, and specifically increasing the base charge water rate and special contract rates for water; repealing all ordinances to the contrary; and providing for an effective date

Item Minutes: City Manager Dave Wooden said that Council previewed this Ordinance at their September 20, 2011 meeting, and this ordinance proposes an increase to the water service base rate of \$1 and \$0.30 per thousand gallons.

Motion: Move to adopt Ordinance Number 3182

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

E. Adopt Ordinance No. 3183, an ordinance amending the Broken Arrow Code, Chapter 24, Water, Sewers and Storage Disposal, Article VII, Sewer Service Charges and Rates, Sections 24-704 Rates for Sanitary Service Established and 24-707 Special Contract Rates Established, by increasing the charges made for sewer service; repealing all ordinances to the contrary; and providing for an effective date

Item Minutes: City Manager Dave Wooden said that Council previewed this Ordinance at their September 20, 2011 meeting, and this ordinance proposes an increase of \$1 to the base rate and \$0.15 per thousand gallons of wastewater treated.

Motion: Move to adopt Ordinance Number 3183

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

F. Adopt Ordinance No. 3184, an ordinance amending the Broken Arrow Code, Chapter 25, Stormwater Management, Article VII, Stormwater and Floodplain Fee Schedules; Section 25-601, Stormwater Drainage System Service Charge and specifically increasing the charge establishing an effective date and Section 25-602, Fee-in-Lieu of detention rate: Repealing all ordinances to the contrary; and providing for an effective date

G. Item Minutes: City Manager Dave Wooden said that Council previewed this Ordinance at their September 20, 2011 meeting, and this ordinance pertains to the stormwater fee. He said the ordinance proposes an increase \$0.50 per customer to the base rate and \$0. 10 per square foot for new service areas and developments.

Motion: Move to adopt Ordinance Number 3184

Motion by: Johnnie Parks

Second b Jill Norman

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

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

14. Executive Session

There was no Executive Session and no action was required or taken.

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:27 p.m.

Motion: Move to adjourn

Motion b Jill Norman

Second b Johnnie Parks

Ayes:

Johnnie Parks, Jill Norman, Richard Carter Crai Thurmond, Mike Lester

Nays:

None F;

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