

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
December 20, 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: Chaplain Rick Manganero delivered an invocation.

3. Roll Call

Present:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Absent:	None

4. Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Troop 920 was present and 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:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- A. Approval of the meeting minutes of December 6, 2011
- B. Acceptance of minutes of the Planning Commission meeting held November 17, 2011
- C. Approval of and authorization to execute Budget Amendment Number 6 for Fiscal Year 2011-2012
- D. Approval of and authorization to execute an Intergovernmental Agreement with OWRB for Broken Arrow Creek Master Drainage Plan
- E. Approval of a Workers' Compensation Order for Ricky Barnett a former Police Department employee
- F. Notification of Contracts, Change Orders, Quantity Changes and Work Orders with a value of less than \$25,000 on Engineering and Construction Contracts since the last City Council Meeting
- G. Approval of and authorization to execute a Use Agreement with the Broken Arrow Adult Softball Association (BAASA) for use of the Al Graham Adult Softball Fields at the Indian Springs Sports Complex

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Roll Call

Lester

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Absent:

Absent: None

None

Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Troop 920 was present and led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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Motion: Move to approve the Consent Agenda as presented

Motion b Richard Carter

Second b Johnnie Parks

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

Nays: None

A. Approval of the meeting minutes of December 6, 2011

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G. Approval of and authorization to execute a Use Agreement with the Broken Arrow Adult Softball Association (BAASA) for use of the Al Graham Adult Softball Fields at the Indian Springs Sports Complex

Broken Arrow City Council Agenda Page I of 7 December 20, 2011

- H. Approval of and authorization to execute a Use Agreement with the Broken Arrow Girls Softball League (BAGSL) for use of the Youth Softball Fields at the Central Park Softball Complex and Arrowhead Park Softball Complex
- I. Approval of and authorization to execute a Use Agreement with the Broken Arrow Youth Baseball Association (BAYBA) for use of the Youth Baseball Fields at the Indian Springs Sports Complex
- J. Approval of and authorization to execute the Clinical Rotation Agreement with Tulsa Technology Center
- K. Approval of and authorization to execute a professional services agreement with Tripp Davis and Associates for design and construction oversight of Battle Creek Golf Course Bunker Renovation
- L. Approval of bids received and award of the most advantageous bid to Frontier International for the purchase of one dump truck for the Street Department
- M. Approval of SP 258, Southpark Assembly of God, 5.00 acres, 1 lot, A-1, north of the Creek Turnpike, west of Elm Place (161st E. Avenue) at 5850 South Elm Place
- N. Approval of Final Acceptance for the Public Improvement for MidFirst Bank at Florence, located at 4802 S Elm Place
- O. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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

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

- A. Approval of and authorization for the Mayor to accept incentive funds from PSO for energy efficient upgrades made under PSO's Model Cities Program

Item Minutes: City Manager, Mr. Dave Wooden stated that the Model Cities Program is designed for incorporated cities and local governments that receive retail electric service from PSO, and the program provides incentives for the installation of energy efficient electrical equipment. Mr. Wooden said the City qualified for incentives from PSO this year by replacing three HVAC units and upgrading 414 florescent light fixtures with 1,532 bulbs in ten City facilities to energy efficient standards. He stated that these improvements along with the LED light project will reduce City energy consumption to an equivalent reduction in the City's electric bill of approximately \$20,179.46 annually. Mr. Rick Baker of PSO was present and announced that the City was receiving incentive funds for the completion of these projects in the amount of \$26,931.91

Motion:	Move to approve and authorize the Mayor to accept incentive funds from PSO
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

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

Section Minutes: Mayor Lester stated that the speakers would address the matter of a casino in Broken Arrow. He said that the Council would take comments and will try to address citizens' concerns although he did not know what the next step would be as yet. The Mayor said that he did know that the property was Indian restricted land as given to the Burgess family through the Dawes Commission, and that the City has no jurisdiction. Mayor Lester said that the City will try to obtain some answers to assure that citizens' concerns were being addressed. Mayor Lester added that Vice Mayor Thurmond spoke with Congressman Sullivan's office.

H. Approval of and authorization to execute a Use Agreement with the Broken Arrow Girls Softball League (BAGSL) for use of the Youth Softball Fields at the Central Park Softball Complex and Arrowhead Park Softball Complex

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K. Approval of and authorization to execute a professional services agreement with Tripp Davis and Associates for design and construction oversight of Battle Creek Golf Course Bunker Renovation

L. Approval of bids received and award of the most advantageous bid to Frontier International for the purchase of one dump truck for the Street Department

M. Approval of SP 258, Southpark Assembly of God, 5.00 acres, I lot, A-1, north of the Creek Turnpike, west of Elm Place 161st E. Avenue) at 5850 South Elm Place

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Motion: Move to approve and authorize the Mayor to accept incentive funds from PSO

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

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Vice Mayor Thurmond said that he spoke to staff in Congressman Sullivan's office, and they had spoken to the Creek Nation. The Vice mayor said that Congressman Sullivan' staff recommended that concerned citizens call their office.

The Mayor called Ms. Lori Pettus to address Council. Ms. Pettus stated that she was very concerned to learn that an Indian gambling casino was being constructed in Broken Arrow at Olive and 111th Street. She stated her concerns that casinos bring criminal elements to the area, that there would be a school built down the street and that unknown sources were bankrolling the casino. She stated that she was opposed to the casino, and requested that the City take a stand against the construction of a casino in Broken Arrow.

Mr. Jared Cawley addressed Council to express his opposition to the casino. He stated that he lived in Birchwood addition and that the casino would be right down the street from his home. Mr. Cawley said that he had a specialty in Indian law and offered his services pro bono to the City. He stated that the City was not helpless and there were things the City could investigate in order to determine the legality of the casino location, including contacting the Bureau of Indian Affairs.

Mr. Robert Martinek addressed Council stating that he lived in the Pecan Grove addition up the road from the proposed casino site. He said that he appreciated the Council hearing citizens' comments and that he agreed with the previous speakers. Mr. Martinek stated that he believed the casino would have an adverse impact on property values as well as tax revenues since a casino would not generate tax revenues for the City; and, that the casino would increase operating costs for the City which would have to provide services such as fire, police and city sewer to a non-taxpaying property. He requested that the Mayor and City Council do everything in their power to investigate the legality of what this tribe wants to do.

Mayor Lester said he appreciated everyone's comments and that the City will move forward to obtain some answers and to assure that citizens' concerns are being addressed; and, he said that he or someone from the City would be in touch. Mr. Wooden said there was one more speaker. The Mayor called Mr. Scott Krause.

Mr. Scott Krause addressed Council stating that he lived about 600 yards from the proposed casino, and that he was a former president of his neighborhood association. He said that he contacted his attorney and that his attorney suggested some questions for Mr. Krause to pose to the City Attorney. Mr. Krause said that the questions were:

1. Has the City Attorney contacted the Bureau of Indian Affairs regarding the legality of the Kialegee Tribal Town leasing land for the purpose of using it for class three gaming;
2. Does the tribe have the right to put gaming on land they do not own;
3. When was the City or a representative of the City first contacted;
4. Is the City of Broken Arrow obligated to provide water, sewer, police, and fire service to this land that does not pay taxes; and, he asked for a motion from the Council that the activities cease and desist.

Mr. Krause asked that the City Attorney look into and respond to these questions.

Mayor Lester said someone from the City would be in touch.

Mayor Lester suggested a two minute recess in order for those in attendance to exit the room if they did not wish to stay for the remainder of the meeting.

Motion:	Move to take a two minute break
Motion by:	Richard Carter
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Mayor Lester reconvened the regular meeting.

9. General Council Business

- A. Consideration and possible approval of Resolution Number 723, a resolution in support of the Coalition of Tulsa Area Government's 2012 Legislative Slate

Vice Mayor Thurmond said that he spoke to staff in Congressman Sullivan's office, and they had spoken to the Creek Nation. The Vice mayor said that Congressman Sullivan' staff recommended that concerned citizens call their office.

The Mayor called Ms. Lori Pettus to address Council. Ms. Pettus stated that she was very concerned to learn that an Indian gambling casino was being constructed in Broken Arrow at Olive and 1 11th Street. She stated her concerns that casinos bring criminal elements to the area, that there would be a school built down the street and that unknown sources were bankrolling the casino. She stated that she was opposed to the casino, and requested that the City take a stand against the construction of a casino in Broken Arrow.

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Mayor Lester said he appreciated everyone's comments and that the City will move forward to obtain some answers and to assure that citizens' concerns are being addressed; and, he said that he or someone from the City would be in touch. Mr. Wooden said there was one more speaker. The Mayor called Mr. Scott Krause.

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1. Has the City Attorney contacted the Bureau of Indian Affairs regarding the legality of the Kialegee Tribal Town leasing land for the purpose of using it for class three gaming;
2. Does the tribe have the right to put gaming on land they do not own;
3. When was the City or a representative of the City first contacted;
4. Is the City of Broken Arrow obligated to provide water, sewer, police, and fire service to this land that does not pay taxes; and, he asked for a motion from the Council that the activities cease and desist.

Mr. Krause asked that the City Attorney look into and respond to these questions.

Mayor Lester said someone from the City would be in touch.

Mayor Lester suggested a two minute recess in order for those in attendance to exit the room if they did not wish to stay for the remainder of the meeting.

Motion: Move to take a two minute break

Motion b Richard Carter

Second b Johnnie Parks

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

Nays: None

Mayor Lester reconvened the regular meeting.

9. General Council Business

A. Consideration and possible approval of Resolution Number 723, a resolution in support of the Coalition of Tulsa Area Government's 2012 Legislative Slate

Broken Arrow City Council Agenda Page 3 of 7 December 20, 2011

Item Minutes: Mr. Wooden explained that the Coalition of Tulsa Area Governments (CTAG) has representatives from the cities of Glenpool, Jenks, Mannford, Owasso, Tulsa, Sand Springs, Skiatook, Bixby, Collinsville and Claremore, Tulsa County and INCOG. He stated that on December 9, 2011, CTAG adopted their 2012 Legislative slate of issues for 2012 and, that Resolution 723 expresses City Council's support for the 2012 CTAG Legislative Slate.

Motion:	Move to approve Resolution Number 723
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Mr. Wooden asked that Item 9B and 9C be tabled until after the Broken Arrow Municipal Authority (BAMA) meeting.

Motion:	Move to table Items 9B and 9C until after the Broken Arrow Municipal Authority meeting
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Following the Broken Arrow Municipal Authority meeting, Council returned to Items 9B and 9C.

- B. Consideration and possible approval of Resolution Number 727, a resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in the principal amount of \$35,000,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

Item Minutes: Mr. Wooden stated that the City must approve any debt incurred by the Broken Arrow Municipal Authority (BAMA) and that Resolution Number 727 approves the action taken by BAMA under Resolution Number 725.

Motion:	Move to approve Resolution Number 727
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- C. Consideration and possible approval of Resolution Number 728, a resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in principal amount not to exceed \$30,000,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

Mr. Wooden stated that the City must approve any debt incurred by the Broken Arrow Municipal Authority (BAMA), and that Resolution Number 728 approves the action taken by BAMA under Resolution Number 726.

Motion:	Move to approve Resolution Number 728
Motion by:	Jill Norman
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- D. Consideration, possible approval and authorization for staff to present a plan to provide for a change in refuse service to a volume-based program with provisions to include single stream recycling when facilities for single stream recyclables become available

Item Minutes: Mr. Wooden explained that the Coalition of Tulsa Area Governments (CTAG) has representatives from the cities of Glenpool, Jenks, Mannford, Owasso, Tulsa, Sand Springs, Skiatook, Bixby, Collinsville and Claremore, Tulsa County and INCOG. He stated that on December 9, 2011, CTAG adopted their 2012 Legislative slate of issues for 2012 and, that Resolution 723 expresses City Council's support for the 2012 CTAG Legislative Slate.

Motion: Move to approve Resolution Number 723

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Mr. Wooden asked that Item 9B and 9C be tabled until after the Broken Arrow Municipal Authority (BAMA) meeting.

Motion: Move to table Items 9B and 9C until after the Broken Arrow Municipal Authority meeting

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

Following the Broken Arrow Municipal Authority meeting, Council returned to Items 9B and 9C.

B. Consideration and possible approval of Resolution Number 727, a resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in the principal amount of \$35,000,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

Item Minutes: Mr. Wooden stated that the City must approve any debt incurred by the Broken Arrow Municipal Authority (BAMA) and that Resolution Number 727 approves the action taken by BAMA under Resolution Number 725.

Motion: Move to approve Resolution Number 727

Motion b Johnnie Parks

Second b Jill Norman

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

Nays: None

C.

Motion: Move to approve Resolution Number 728

Motion b Jill Norman

Second b Johnnie Parks

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

Nays: None

Consideration and possible approval of Resolution Number 728, a resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in principal amount not to exceed \$30,000,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

Mr. Wooden stated that the City must approve any debt incurred by the Broken Arrow Municipal Authority (BAMA), and that Resolution Number 728 approves the action taken by BAMA under Resolution Number 726.

D. Consideration, possible approval and authorization for staff to present a plan to provide for a change in refuse service to a volume-based program with provisions to include single stream recycling when facilities for single stream recyclables become available

Item Minutes: Mr. Wooden said that General Services' staff conducted a study of the City's refuse service with the goal of taking a good look at our current service and other types of collection services that promote recycling. Mr. Wooden said that a cart based system appears to be the best means by which this can happen because a cart system can prepare the City for city wide recycling in the future. Mr. Wooden said that changing the current sanitation system will most likely result in considerable comments from the citizens of Broken Arrow, and added that before selection of a final program, the staff recommends that the City conduct meetings in each ward to discuss the issue. He said the staff recommends the following steps be taken to ensure that the citizens have an opportunity to comment on the proposal:

1. In February 2012, the City staff will present a proposal based on City Council direction.
2. In March 2012, the City staff will post on electronic media the proposed changes to the sanitation system.
3. In April and May 2012, the City will conduct ward meetings to obtain citizen input.
4. In June 2012, the Staff will present the final plan to the City Council for review and approval.

Mr. Wooden requested that Council direct staff to prepare a refuse collection plan based on:

1. Cart based system
2. Use based charges
3. Once a week pickup
4. Single stream recycling as soon as possible
5. Transition to a fully automated system as soon as feasible

Councilors Parks and Carter, and Vice Mayor Thurmond stated their support of this item and of moving toward a recycling system.

10. City Manager's Report

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

11. Preview Ordinances

Section Minutes: There were no preview ordinances. No action was required or taken.

12. Ordinances

A. Ordinance No. 3178 - An ordinance amending Chapter 15, Nuisance Code, Section 15-1, Nuisance Code, Section 15-2, Abatement generally, 15-3, Abatement of graffiti, 15-4, Abatement of dilapidated buildings or structures, Section 15-5, Boarding and securing dilapidated buildings, Section 15-6, Abandoned, inoperable or junked vehicles, Section 15-7, Emergency Abatement, Section 15-8 Penalty, Section 15-9, Exceptions, Section 15-10, State law references, and Sections 15-11 through 15-43 Reserved, Section 15-44, Adopted, and Section 15-45 Amendments, of the Broken Arrow Code and specifically by correcting misspellings and including better nuisance definitions; and adopting the 2009 International Property Maintenance Code as the Property Maintenance and Existing Structures Code; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Mr. Wooden reviewed the background as presented in the Agenda Fact Sheet. He said the proposed revisions to Chapter 15 of the Municipal Code are minor, and they include refining public nuisance definitions, which will provide greater clarity for staff and citizens; and, it adopts the 2009 International Property Maintenance Code.

Motion:	Move to adopt Ordinance 3178
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Item Minutes: Mr. Wooden said that General Services' staff conducted a study of the City's refuse service with the goal of taking a good look at our current service and other types of collection services that promote recycling. Mr. Wooden said that a cart based system appears to be the best means by which this can happen because a cart system can prepare the City for city wide recycling in the future. Mr. Wooden said that changing the current sanitation system will most likely result in considerable comments from the citizens of Broken Arrow, and added that before selection of a final program, the staff recommends that the City conduct meetings in each ward to discuss the issue. He said the staff recommends the following steps be taken to ensure that the citizens have an opportunity to comment on the proposal:

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Motion: Move to adopt Ordinance 3178

Motion b Johnnie Parks

Second b Richard Carter

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

Nays: None

Broken Arrow City Council Agenda Page 5 of 7 December 20, 2011

Motion:	Move to approve the Emergency Clause for Ordinance 3178
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

B. Ordinance No. 3195 - An Ordinance amending Chapter 2, Administration, Article IX, Employee Rules and Regulations, Section 2-165 of the Broken Arrow Code pertaining to Department Director evaluation and compensation and specifically removing the Assistant City Manager from the scope of this Ordinance, the integration of base salary increases for Department Directors, elimination of wage increases for based on a percentage and providing for longevity; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Mr. Wooden stated that at the December 6, 2011 Council meeting, Council approved a new Compensation Plan for the Department Directors. He said that the revisions to the ordinance include elimination of the maximum eight percent wage adjustment and provide for base salary increases in the form of step raises for Department Directors whose performance is evaluated as consistently competent; and, that revisions also include elimination of the Assistant City Manager position, reference to Section 2-166 of the Code and reinstatement of the longevity benefit.

Motion:	Move to adopt Ordinance 3195
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Motion:	Move to approve the Emergency Clause for Ordinance 3195
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or inquiries by Governing Body Members.

At approximately 7:08 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

Motion:	Move to recess to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting
Motion by:	Craig Thurmond
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Mayor Lester reconvened the regular session of the City Council at approximately 7:15 p.m.

Mayor Lester said Council would now return to Items 9B and 9C which were tabled earlier until the completion of the Broken Arrow Municipal Authority meeting.

Following consideration of Items 9B and 9C, the Mayor asked for a brief recess to clear the room prior to entering into Executive Session.

Motion:	Move to recess prior to entering into Executive Session
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Motion: Move to approve the Emergency Clause for Ordinance 3178

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

B. Ordinance No. 3195 An Ordinance amending Chapter 2, Administration, Article IX, Employee Rules and Regulations, Section 2-165 of the Broken Arrow Code pertaining to Department Director evaluation and compensation and specifically removing the Assistant City Manager from the scope of this Ordinance, the integration of base salary increases for Department Directors, elimination of wage increases for based on a percentage and providing for longevity; repealing all ordinances to the contrary; and declaring an emergency

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Motion: Move to adopt Ordinance 3195

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

Motion: Move to approve the Emergency Clause for Ordinance 3195

Motion b Johnnie Parks

Second b Jill Norman

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or inquiries by Governing Body Members.

At approximately 7:08 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

Motion: Move to recess to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting

Motion b Craig Thurmond

Second b Johnnie Parks

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

Nays: None

Mayor Lester reconvened the regular session of the City Council at approximately 7:15 p.m.

Mayor Lester said Council would now return to Items 9B and 9C which were tabled earlier until the completion of the Broken Arrow Municipal Authority meeting.

Following consideration of Items 9B and 9C, the Mayor asked for a brief recess to clear the room prior to entering into Executive Session.

Motion: Move to recess prior to entering into Executive Session

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Mayor Lester reconvened the regular session at approximately 7:25 p.m.

Motion:	Move to find that Executive Session is necessary to discuss the Workers' Compensation case of Steven Breeckner as disclosure in open session would impair the ability of the Council to process the litigation in the public interest
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Motion:	Move to go into Executive Session to discuss the item set out in the Agenda
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

14. **Executive Session** for the purpose of confidential communications, and specifically settlement negotiations, (and taking appropriate action, including authority to settle, in open session) between the City Council, the City Manager, and the City Attorney for the purpose of discussing Steven Joseph Breeckner II v. City of Broken Arrow, Workers' Compensation Court Case Number 2011-07474Y, under 25 O.S. §307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

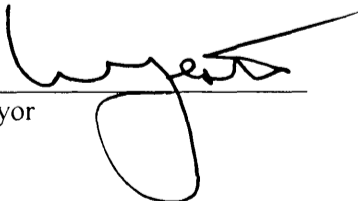
Section Minutes: Mayor Lester reconvened the regular session of the City Council at 7:28 p.m. and the room was opened for those in attendance. The Mayor asked if there were any motions.

Motion:	Move to authorize the City's Workers' Compensation attorney to settle the Breeckner case for the sum of \$40,000.00.
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

15. **Adjournment**

The meeting adjourned at approximately 7:19 p.m.

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



 Mayor



Attest:



 City Clerk

Mayor Lester reconvened the regular session at approximately 7:25 p.m.

Motion: Move to find that Executive Session is necessary to discuss the Workers' Compensation case of Steven Breeckner as disclosure in open session would impair the ability of the Council to process the litigation in the public interest

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Motion: Move to go into Executive Session to discuss the item set out in the Agenda

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

14. Executive Session for the purpose of confidential communications, and specifically settlement negotiations, and taking appropriate action, including authority to settle, in open session) between the City Council, the City Manager, and the City Attorney for the purpose of discussing Steven Joseph Breeckner II v. City of Broken Arrow, Workers' Compensation Court Case Number 201 1-07474Y, under 25 O.S. 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Section Minutes: Mayor Lester reconvened the regular session of the City Council at 7:28 p.m. and the room was opened for those in attendance. The Mayor asked if there were any motions.

Motion: Move to authorize the City's Workers' Compensation attorney to settle the Breeckner case for the sum of \$40,000.00.

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

15. Adjournment

The meeting adjourned at approximately 7:19 p.m.

Motion: Move to adjourn

Motion b Johnnie Parks

Second b Jill Norman

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

Nays: None

Attest:

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