

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
May 18, 2010**

**6:30 PM**

**1. Call to Order**

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

**2. Invocation**

**Section Minutes:** The invocation was delivered by Scott Keele, Police Chaplain.

**3. Roll Call**

<b>Present:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Absent:</b>	Richard Carter

**4. Pledge of Allegiance to the Flag**

**Section Minutes:** Mayor Mike Lester led the Pledge of Allegiance to the Flag.

Mayor Lester said there were citizens in attendance for the beekeeping ordinance and he announced that the beekeeping ordinance would not be discussed until the June 7<sup>th</sup> Council meeting. He added that, if they wished to speak this evening, they were welcome to speak under the agenda item entitled "Citizens opportunity to address Council".

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Lester asked if there were any items to be removed from the Consent Agenda for discussion. Councilor McCaleb asked that item 5B be removed. Mayor Lester asked for a motion to approve the Consent Agenda except for Item 5B.

<b>Motion:</b>	<b>Move to approve the Consent Agenda except Item 5B</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- A. Approval of Special Joint City Council and Broken Arrow School Board meeting minutes of April 19, 2010
- B. Approval of regular meeting minutes of May 4, 2010
- C. Acceptance of minutes of the Planning Commission meeting held April 22, 2010
- D. Approval of a Workers' Compensation Order on Nathan Taylor a General Services Department employee
- E. Approval of and authorization to execute an Arrangement Letter with Hogan Taylor, LLP to conduct the Fiscal Year 2010 audit
- F. Approval to place directional signs in designated Rights-of-way for the 2010 Parade of Homes
- G. Approval to declare surplus and substitute a Life Pak 12 Defibrillator/Monitor to be given to Physio Control and to retain one of the original approved for surplus Life Pak 12 Defibrillator/Monitor
- H. Approval to declare certain City owned equipment as surplus and authorize the sale of those items by public auction
- I. Approval of bids received, award the most advantageous bid to Paragon Contractors, LLC and authorize the City Manager to execute a construction Contract implementing this award for Omaha and Elm Intersection Improvements
- J. Approval of bids for contract mowing along city arterial right of way and award of the most advantageous bid
- K. Approval and authorization to execute an annual maintenance contract with Windstream Communications, as a member entity of the Wagoner County 911 Advisory Board, to provide 911 maintenance services.
- L. Approval and authorization to execute maintenance contract with Windstream Communications for 911 Maintenance Services related to the City's Public Safety Communications Centers 911 equipment.
- M. Consideration of and possible approval of BAZ 1844, 5.0 acres, A-1 to ON, approximately one-quarter mile west of the northwest corner of 23rd Street (County Line Road/193rd East Avenue) and Albany Street (61st Street)
- N. Consideration of and possible approval of DRO10-100, Bohne Project, 0.24 acres, R-3, northwest corner of Cedar Avenue and Elgin Street
- O. Acceptance of Public Improvements for CVS Pharmacy at Wilburn Square

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Section Minutes: The invocation was delivered by Scott Keeley Police Chaplain.

3. Roll Call

Jill Norman. Wade McCaleb. Craig Thurmond. Mike Lester

Present:

Absent: Richard Carter

4. Pledge of Allegiance to the Flag

Section Minutes: Mayor Mike Lester led the Pledge of Allegiance to the Flag.

Mayor Lester said there were citizens in attendance for the beekeeping ordinance and he announced that the beekeeping ordinance would not be discussed until the June 7th Council meeting. He added that, if the, wished to speak this evening, the, were welcome to speak under the agenda item entitled Citizens opportunity to address Council".

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda for discussion.

Councilor McCaleb asked that item 5B be removed. Mayor Lester asked for a motion to approve the Consent Agenda except for Item 5B.

Motion: Move to approve the consent Agenda except Item 5B

Motion by: Wade McCaleb

Second by: Jill Norman

Ayes: Jill Norman. Wade McCaleb. Craig Thurmond. Mike Lester

Nays: None

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D. Approval of a Workers' Compensation Order on Nathan Taylor a General Services Department employee

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G. Approval to declare surplus and substitute a Life Pak 12 Defibrillator/Monitor to be given to Ph.sio Control and to retain one of the original approved for surplus Life Pak 12 Defibrillator/Monitor

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J. Approval of bids for contract mowing along city arterial right of way and award of the most advantageous bid

K. Approval and authorization to execute an annual maintenance contract with Windstream Communications, as a member entity of the Wagoner County 911 Advisory Board, to provide 911 maintenance services.

L. Approval and authorization to execute maintenance contract with Windstream Communications for 911 Maintenance Services related to the City's Public Safety Communications Centers 91 1 equipment.

M. Consideration of and possible approval of BAZ 1844, 5.0 acres. A-I to ON, approximately one-quarter mile west of the northwest corner of 23rd Street County Line Road/193rd East Avenue) and Albany Street 61st Street)

N. Consideration of and possible approval of DRO IO-100, Bohne Project, 0.2=4 acres, R-3, northwest corner of Cedar Avenue and Elgin Street

O. Acceptance of Public Improvements for CVS Pharmacy at Wilburn Square

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**6. Consideration of Items Removed from Consent Agenda**

5B. Approval of regular meeting minutes of May 4, 2010

<b>Motion:</b>	<b>Move to approve the regular meeting minutes of May 4, 2010</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Craig Thurmond, Mike Lester
<b>Nays:</b>	None
<b>Abstain:</b>	Wade McCaleb

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

A. Approval of and authorization to execute the Proclamation declaring June 11-13, 2010, the Presidents Cup Youth Soccer Tournament

**Item Minutes:** City Manager Dave Wooden, stated the factual information as contained in the Fact Sheet provided in the agenda packet, and said arrangements had been made to present the proclamation at the start of that tournament. Mayor Lester confirmed that no one was present to receive the proclamation.

<b>Motion:</b>	<b>Move to approve and authorize execution of the Proclamation declaring June 11-13, 2010, the Presidents Cup Youth Soccer Tournament</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

B. Approval of and authorization to execute a Proclamation recognizing the 13th Annual American Cancer's Society Relay for Life of Broken Arrow

**Item Minutes:** Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet. He said a request had been made for the Mayor to present the proclamation during that event, and Mayor Lester confirmed that no one was present to receive it.

<b>Motion:</b>	<b>Move to approve and authorize execution of the Proclamation recognizing the 13th Annual American Cancer's Society Relay for Life of Broken Arrow</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

C. Presentation by Representatives of Cox Communications Regarding the Franchise Agreement and Services Provided to Local Customers and Consideration and Evaluation of Annual Performance

**Item Minutes:** Mayor Lester introduced Mr. Leon Pfeifer of Cox Communications, who described improvements Cox has made to the services it offers to Broken Arrow residents in high definition programming and high-speed internet. The HD programming improvements include 32 new HD channels, a lower cost for HD pay-per-view movies, over 750 HD programming options, Utopia on-demand movie service, My Prime Time on-demand television service, and televised local sporting events. In the area of high-speed internet, Mr. Pfeifer cited increased internet speeds, upgraded cable systems and a new low-cost internet service, among other items. He also mentioned that the FCC had recently ruled that Cox is subject to effective competition in the Broken Arrow market.

Councilor McCaleb questioned Mr. Pfeifer on Cox's involvement in community events and charitable organizations. Mr. Pfeifer referenced the Cox Community Foundation, funded by Cox employees and matched by Cox Communications, which provides over \$100,000 per year in grants to applicants. Councilor McCaleb stated that he doesn't see much Cox presence in the community or charitable organizations, and encouraged Mr. Pfeifer to make improvements. Mr. Pfeifer noted his comments.

D. Public Hearing for the Proposed 2010-2011 Fiscal Year Budget

**Item Minutes:** Mayor Lester opened the hearing on the budget for public comment three separate times as required by state statute. No comments were offered, and Mayor Lester declared the public hearing closed.

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

**Section Minutes:** Mr. Greg Hannaford, Chairman of Northeast Oklahoma Bee Keepers' Association, offered to answer any questions regarding the beekeeping ordinance and invited council members to visit one of their apiaries in an urban environment. He stressed that beekeeping in an urban environment is not a public threat, and stated the Association's support of a city's right to regulate beekeeping as well as their desire to participate in that process.

Mayor Lester suggested that Mr. Hannaford contact city council members via their email addresses as listed on the city's website regarding apiary visits.

P. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5B. Approval of regular meeting minutes of May 4, 2010

Motion: Move to approve the regular meeting minutes of May 4, 2010

Motion hv: Craig Thurmond

Second by: Jill Norman

Ayes: Jill Norman. Craig Thurmond. Mike Lester

Nays: None

Abstain: Wade McCaleb

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

A. Approval of and authorization to execute the Proclamation declaring June I 1-13, 2010. the Presidents Cup Youth Soccer Tournament

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Mayor Lester confirmed that no one was present to receive the proclamation.

Motion: Move to approve and authorize execution of the Proclamation declaring June

11-13, 2010, the Presidents Cu) Youth Soccer Tournament

Motion by: Craig Thurmond

Second by: Wade McCaleb

Ayes: Jill Norman. Wade McCaleb. Craig Thurmond. Mike Lester

Nays: None

B. Approval of and authorization to execute a Proclamation recognizing the 13th Annual American Cancer's Society Relay for Life of Broken Arrow

Item Minutes: Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet. He said a request had been made for the Mayor to present the proclamation during that event. and Mayor Lester confirmed that no one was present to receive it.

Motion: Move to approve and authorize execution of the Proclamation recognizing the 13th Annual American Cancer's Society Relay for Life of Broken Arrow

Motion by: Wade McCaleb

Second by Craig Thurmond

Ayes: Jill Norman. Wade McCaleb. Craig Thurmond. Mike Lester

Nays: None

C. Presentation by Representatives of Cox Communications Regarding the Franchise Agreement and Services Provided to Local Customers and Consideration and Evaluation of Annual Performance

Item Minutes: Mayor Lester introduced Mr. Leon Pfeifer of Cox Communications. who described improvements Cox has made to the services it offers to Broken Arrow residents in high definition programming and high-speed Internet. The HD programming improvements include 32 new HD channels. a lower cost for HD pay-per-view movies. over 750 HD programming options. Utopia on-demand movie service. My Prime Time on-demand television service. and televised local sporting events. In the area of high-speed Internet. Mr. Pfeifer cited increased Internet speeds. upgraded cable systems and a new low-cost Internet service. among other items. He also mentioned that the FCC had recently ruled that Cox is subject to effective competition in the Broken Arrow market.

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Mayor Lester suggested that Mr. Hannaford contact city council members via their email addresses as listed on the city s website regarding apiary visits.

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City attorney, Ms. Beth Anne Wilkening, stated that attorney and beekeeper Neil Van Dalsem had been communicating with Trevor Dennis in the City's legal department regarding this proposed ordinance. She explained that one of the reasons this ordinance had been tabled at the last meeting was that Legal hadn't had a chance to meet with him. Citing the Legal Department's diligent work with Association representatives, she expressed confidence that an ordinance would be proposed that everyone can live with.

Mr. R.K. Persinger addressed the Council regarding burning fees assessed by the City on his property. This property was purchased in 2000 and annexed shortly thereafter, and at that time he obtained a burn permit and has been burning for 10 years, on average 3 times per month. Now a fire inspector has questioned the validity of his permit and Mr. Persinger has been assessed a \$50 per occurrence burn fee. He asked the council if his situation qualified to be grandfathered in, and also mentioned that he wouldn't be opposed to an annual fee rather than a per-occurrence fee.

Mayor Lester said the City Manager's office would look into the matter and be in touch with Mr. Persinger.

Councilor McCaleb asked Mr. Persinger if the City was denying him burn permits, or if his concern was the cost. Mr. Persinger answered that the burn permit he could obtain now would only be good for two weeks.

Mayor Lester asked Mr. Persinger if he was burning trash, and Mr. Persinger responded that he was burning yard waste.

Vice-Mayor Thurmond wondered if Tulsa County EPA regulations would impact this issue.

**9. General Council Business**

A. Consideration of and possible approval of a nomination for Mike Barron to the Downtown Advisory Board

**Item Minutes:** Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

<b>Motion:</b>	<b>Move to approve the nomination of Mike Barron to the Downtown Advisory Board</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

B. Consideration of and possible approval of nomination for Jill Norman to the Downtown Advisory Board

**Item Minutes:** Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

<b>Motion:</b>	<b>Move to approve the nomination of Jill Norman to the Downtown Advisory Board</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None
<b>Recuse:</b>	Jill Norman

C. Consideration of and possible approval of projects to be included in sale of General Obligation Bonds, Series 2010A and 2010B

**Item Minutes:** Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet. Councilor McCaleb brought to the Council's attention major water problems in the Silvertree addition. Mr. Wooden confirmed that this issue was one of the projects to be addressed by this bond sale, and said that concrete swales would be installed to address the problem in the same way they were used in Carriage Crossing to address a similar problem. Councilor McCaleb also asked if the resurfacing of Elm from New Orleans to Florence was funded by stimulus money. Mr. Wooden explained that stimulus funds covered a portion of that resurfacing, and as a result the City was able to extend the project to a portion of the east and west legs of Florence, covering the entire intersection. Mr. Wooden also stated that an additional stimulus package had been received, enabling Florence to be resurfaced from this intersection to Aspen. Councilor McCaleb also asked for a report detailing current construction projects and anticipated completion dates. Mr. Wooden said he would provide the information available to him regarding these issues, but stated that ODOT provides little advanced notice on projects.

<b>Motion:</b>	<b>Move to approve the projects to be included in sale of General Obligation Bonds, Series 2010A and 2010B</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

D. Consideration and possible action on nomination to fill one vacancy on the Planning Commission created by the expired term of Mickie Taylor

City attorney, Ms. Beth Anne Wilkening, stated that attorney and beekeeper Neil Van Dalsem had been communicating with Trevor Dennis in the City's legal department regarding this proposed ordinance. She explained that one of the reasons this ordinance had been tabled at the last meeting was that Legal hadn't had a chance to meet with him. Citing the Legal Department's diligent work with Association representatives, she expressed confidence that an ordinance would be proposed that everyone can live with.

Mr. R.K. Persinger addressed the Council regarding burning fees assessed by the City on his property. This property was purchased in 2000 and annexed shortly thereafter, and at that time he obtained a burn permit and has been burning for 10 years, on average 3 times per month. Now a fire inspector has questioned the validity of his permit and Mr. Persinger has been assessed a \$50 per occurrence burn fee. He asked the council if his situation qualified to be grandfathered in, and also mentioned that he wouldn't be opposed to an annual fee rather than a per-occurrence fee. Mayor Lester said the City Managers office would look into the matter and be in touch with Mr. Persinger. Councilor McCaleb asked Mr. Persinger if the City was denying him burn permits, or if his concern was the cost. Mr. Persinger answered that the burn permit he could obtain now would only be good for two weeks. Mayor Lester asked Mr. Persinger if he was burning trash, and Mr. Persinger responded that he was burning yard waste. Vice-Mayor Thurmond wondered if Tulsa County EPA regulations would impact this issue.

#### 9. General Council Business

##### A. Consideration of and possible approval of a nomination for Mike Barron to the Downtown Advisory Board

Item Minutes: Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve the nomination of Mike Barron to the Downtown Advisory Board

Motion hv: Craig Thurmond

Second by: Jill Norman

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

Nays: None

##### B. Consideration of and possible approval of nomination for Jill Norman to the Downtown Advisory Board

Item Minutes: Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve the nomination of Jill Norman to the Downtown Advisory Board

Motion hv: Craig Thurmond

Second by: Wade McCaleb

Ayes: Wade McCaleb, Craig Thurmond, Mike Lester

Nays: None

Recuse: Jill Norman

##### C. Consideration of and possible approval of projects to be included in sale of General Obligation Bonds, Series 201 OA and 201OB

Item Minutes: Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Councilor McCaleb brought to the Council's attention major water problems in the Silvertree addition. Mr. Wooden confirmed that this issue is one of the projects to be addressed by this bond sale, and said that concrete swyales would be installed to address the problem in the same way they were used in Carriage Crossing to address a similar problem. Councilor McCaleb also asked if the resurfacing of Elm from New Orleans to Florence was funded by stimulus money. Mr. Wooden explained that stimulus funds covered a portion of that resurfacing, and as a result the City was able to extend the project to a portion of the east and west legs of Florence, covering the entire intersection. Mr. Wooden also stated that an additional stimulus package had been received, enabling Florence to be resurfaced from this intersection to Aspen. Councilor McCaleb also asked for a report detailing current construction projects and anticipated completion dates. Mr. Wooden said he would provide the information available to him regarding these issues, but stated that ODOT provides little advanced notice on projects.

Motion: Move to approve the projects to be included in sale of General Obligation Bonds, Series 2010A and 2010B

Motion by: Wade McCaleb



Second by Craig Thurmond

Ayes: Jill Norman. Wade McCaleb. Craig Thurmond. Mike Lester

Nays: None

D. Consideration and possible action on nomination to fill one vacancy on the Planning Commission created by the expired term of Mickie Taylor

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**Item Minutes:** Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

<b>Motion:</b>	<b>Move to approve the nomination of Glen Shaw to the Planning Commission</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

**10. City Manager’s Report**

None

**11. Preview Ordinances**

**Section Minutes:** The Preview Ordinances 11A and 11B were taken together

Ms. Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet for item 11A. She pointed out that although this ordinance discourages the use of these devices on streets where the speed limit exceeds 25 miles per hour, as an ADA accommodation the City would likely be prevented from issuing citations for such use in areas where sidewalks or other alternatives are not available. Ms. Wilkening also stated that in line with state law, requirements exist to equip such devices with reflectors and headlights (if used at night) and to require them to observe speed limits. Councilor Norman asked if there were any requirements for protective gear to be worn by the operators of these devices. Ms. Wilkening answered that there are not any such requirements, citing the desirability of closely tying this ordinance with state law as well as concerns about potential liability in reference to the Americans with Disabilities Act. Mayor Lester asked the Chief of Police, Toss Wuestewald, if there had been any problems with the use of these devices, and Mr. Wuestewald replied that there have not been significant problems.

Ms. Wilkening stated that the ordinance specified in item 11B had been previewed by the Council previously, and was now before them again following a necessary number change, and that this ordinance grants BAZ 1802 and a specific use permit.

<b>Motion:</b>	<b>Move to pass the Preview Ordinances to the June 7, 2010 meeting for adoption</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond and Mike Lester
<b>Nays:</b>	None

- A. Preview of an ordinance amending Chapter 23, Article I, Section 23-22.1 of the Broken Arrow Code pertaining to Operation of electric personal assistive mobility device on sidewalks, walking trails, bikeways, and municipal streets with certain limitations; requirements for operation of device; providing penalty; repealing all ordinances to the contrary; and declaring an emergency.
- B. Preview of Ordinance No. 3110 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1802, and Specific Use Permit No. 225 and granting CH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

**12. Ordinances**

None

**13. Remarks and Inquiries by Governing Body Members**

**Section Minutes:** Vice-Mayor Thurmond confirmed with other council members that optional casual attire would be appropriate during Council sessions between Memorial Day and Labor Day this year.

At approximately 7:03 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting.

<b>Motion:</b>	<b>Move to recess into the Broken Arrow Municipal Authority</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

Mayor Lester reconvened the regular meeting at approximately 7:04 p.m. Mayor Lester asked for a motion to take a short break in order to clear the room prior to entering into Executive Session

<b>Motion:</b>	<b>Move to take a short break prior to entering into Executive Session</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

Mayor Lester reconvened the regular meeting at approximately 7:12 p.m.

Item Minutes: Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve the nomination of Glen Shaw to the Planning Commission

Motion by: Wade McCaleb

Second by: Craig Thurmond

Ayes: Jill Norman. Wade McCaleb. Craig Thurmond. Mike Lester

Nays: None

10. City Manager's Report

None

11. Preview Ordinances

Section Minutes: The Preview Ordinances I I A and I I B were taken together

Ms. Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet for item I IA. She pointed out that although this ordinance discourages the use of these devices on streets where the speed limit exceeds 25 miles per hour. as an ADA accommodation the City would likely be prevented from issuing citations for such use in areas where sidewalks or other alternatives are not available. Ms. Wilkening also stated that in line with state lacy. requirements exist to equip such devices with reflectors and headlights if used at night) and to require them to observe speed limits. Councilor Norman asked if there were any requirements for protective gear to be worn by the operators of these devices. Ms. Wilkening answered that there are not any such requirements. citing the desirability of closely tying this ordinance with state lacy as well as concerns about potential liability in reference to the Americans with Disabilities Act. Mayor Lester asked the Chief of Police. Toss Wuestewyald. if there had been any problems with the use of these devices. and Mr. Wuestewyald replied that there have not been significant problems.

Ms. Wilkening stated that the ordinance specified in item I I B had been previewed by the Council previously. and ryas now before them again following a necessary number change. and that this ordinance grants BAZ 1802 and a specific use permit.

Motion: Move to pass the Preview Ordinances to the June 7, 2010 meeting for adoption

Motion by: Wade McCaleb

Second by: Jill Norman

Ayes: Jill Norman. Wade McCaleb. Craig Thurmond and Mike Lester

Nays: None

A. Preview of an ordinance amending Chapter 23. Article I. Section 23-22.I of the Broken Arrow Code pertaining to Operation of electric personal assistive mobility device on sidewalks, walking trails, bikeways, and municipal streets with certain limitations: requirements for operation of device: providing penalty: repealing all ordinances to the contrary: and declaring an emergency.

B. Preview of Ordinance No. 3 110 amending the Zoning Ordinance of the Cit of Broken Arrow. Oklahoma Ordinance No. 293 I) approving BAZ 1802. and Specific Use Permit No. 225 and granting CH zoning to be placed upon the tract. repealing all ordinances or parts of ordinances in conflict herewith. and declaring an emergency

12. Ordinances

None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Vice-Mayor Thurmond confirmed with other council members that optional casual attire would be appropriate during Council sessions between Memorial Day and Labor Day this \ car.

At approximately 7:03 p.n.m.. Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting.

Motion: Move to recess into the Broken Arrow Municipal Authority

Motion by: Craig Thurmond

Second by: Wade McCaleb

Ayes: Jill Norman. Wade McCaleb. Craig Thurmond. Mike Lester

Nays: None

Mayor Lester reconvened the regular meeting at approximately 7:04 p.n.m. Mayor Lester 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 short break prior to entering into Executive Session

Motion by: Wade McCaleb

Second by: Jill Norman

Ayes: Jill Norman. Wade McCaleb. Craig Thurmond. Mike Lester

Nays: None

Mayor Lester reconvened the regular meeting at approximately 7:12 p.m.

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<b>Motion:</b>	<b>Move to enter into Executive Session</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

14. **Executive Session** for the purpose of confidential communications between the Broken Arrow City Council, the City Manager, and the City Attorney for the purpose of conferring on matters concerning the potential purchase and appraisal of real property in the Stone Wood Hills area for a conference center and appropriate action in open session, under 25 O.S. §307(B)(3). After the conclusion of the confidential portion of executive session, the City Council will reconvene in open meeting, and the final decision, if any, will be put to a vote

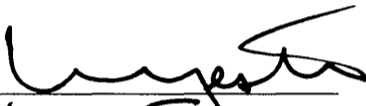
Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:23 p.m., and the room was opened for those in attendance.

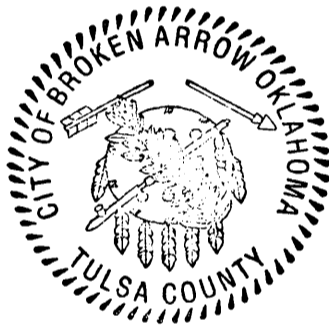
<b>Motion:</b>	<b>Move to authorize the City Manager to continue negotiations for the purchase of real property for a conference center</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

15. **Adjournment**

**Section Minutes:** The meeting adjourned at approximately 7:23 p.m.

<b>Motion:</b>	<b>Move to adjourn</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

  
 \_\_\_\_\_  
 Mayor



Attest:  
  
 \_\_\_\_\_  
 City Clerk

Motion: Move to enter into Executive Session

Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

14. Executive Session for the purpose of confidential communications between the Broken Arrow City Council, the City Manager, and the City Attorney for the purpose of conferring on matters concerning the potential purchase and appraisal of real property in the Stone Wood Hills area for a conference center and appropriate action in open session, under 25 O.S. 307(B)(3). After the conclusion of the confidential portion of executive session, the City 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 7:23 p.m., and the room was opened for those in attendance.

Motion: Move to authorize the City Manager to continue negotiations for the purchase of real property for a conference center

Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:23 p.m.

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

Attest:

City Cle

Broken Arrow City Council Page 5 of 5 May 18, 2010