

**BROKEN ARROW CITY COUNCIL
CORRECTED MINUTES**

**COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012**

August 3, 2010

6:30 PM

1. Call to Order

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

Invocation

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

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Troop 995, with Scoutmaster Peter Evan, led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to remove from the Consent Agenda. He noted that item 5E needed to be removed and asked if any other items needed to be removed. Councilor McCaleb asked that item 5A also be removed. Mayor Lester then asked for a motion.

Motion:	Move to approve the Consent Agenda except items 5A and 5E.
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- A. Approval of regular meeting minutes of July 20, 2010
- B. Acceptance of minutes of the Planning Commission meeting held July 8, 2010
- C. Approval of and authorization to execute Budget Amendment Number 3 for Fiscal Year 2010-2011
- D. Consideration and approval of a Use Agreement between the City of Broken Arrow and Broken Arrow Youth Football Association
- E. Approval of and authorization to execute a Contract for Services to assist at-risk Broken Arrow youth
- F. Approval of and authorization to execute a Memorandum of Understanding concerning Wireless Fee Remissions between Indian Nations Council of Governments and the City of Broken Arrow
- G. Approval of a Special Events Permit for Broken Arrow High School's Annual Homecoming Parade on Thursday, September 30, 2010 at 4:00pm
- H. Approval of bids received, award the most advantageous bid to Becco Contractors, Inc., and authorization for the City Manager to execute a construction contract for Indian Springs Estates Additions Asphalt Concrete Street Mill and Overlay
- I. Review bids received, award of the most advantageous bid for the provision of wrecker services to Storey Wrecker and authorization for the City Manager to execute the contract
- J. Approval of bids received and award the most advantageous bid for a utility tractor
- K. Acceptance of a Temporary Construction Easement from Glover Properties, Inc (S17 T18N R14E)(Project: N&S Olive between Washington St & Houston St)
- L. Acceptance of a General Warranty Deed from Glover Properties, Inc (S17 T18N R14E) (Project: S Olive Ave between Washington & Houston) (Project: #ST0522)
- M. Acceptance of a General Warranty Deed from Thomas and Linda Glover (S17 T18N R14E) (Project: ST0522)
- N. Consideration of and approval of BAZ 1849, 2.58 acres, AR-1 to RS-1, east of Elm Place (161st E. Avenue), approximately one-third mile north of Jasper Street (131st Street) and consideration and approval of abrogation of BAZ 1814
- O. Consideration of and approval of PUD 205, Hillside Park, 38.00 acres, BAZ 1850, RM, CN and CG to CG and IL, southwest corner of 9th Street (Lynn Lane/177th East Avenue) and Kenosha Street (71st Street)

BROKEN ARROW CITY COUNCIL
CORRECTED MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012

August 3, 2010

6:30 PM

1. Call to Order

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

Invocation

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

3. Roll Call

Jill Norman, Wade WaOC McCaleb, Richard RICM1aM Carter, Mike Lester

PJill Norman,

Present:

Thurmond

Craig

4. Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Troop 995, with Scoutmaster Peter Evan, led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to remove from the Consent Agenda. He noted that item 5E needed to be removed and asked if any other items needed to be removed. Councilor McCaleb asked that item 5A also be removed. Mayor Lester then asked for a motion.

Motion: Move to approve the Consent Agenda except items 5A and 5E.

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

A. Approval of regular meeting minutes of July 20, 2010

B. Acceptance of minutes of the Planning Commission meeting held July 8, 2010

C. Approval of and authorization to execute Budget Amendment Number 3 for Fiscal Year 2010-2011

D. Consideration and approval of a Use Agreement between the City of Broken Arrow and Broken Arrow Youth Football Association

E. Approval of and authorization to execute a Contract for Services to assist at-risk Broken Arrow youth

F. Approval of and authorization to execute a Memorandum of Understanding concerning Wireless Fee Remissions between Indian Nations Council of Governments and the City of Broken Arrow

G. Approval of a Special Events Permit for Broken Arrow High School's Annual Homecoming Parade on Thursday, September 30, 2010 at 4:00pm

H. Approval of bids received, award the most advantageous bid to Becco Contractors, Inc., and authorization for the City Manager to execute a construction contract for Indian Springs Estates Additions Asphalt Concrete Street Mill and Overlay

I. Review bids received, award of the most advantageous bid for the provision of wrecker services to Storey Wrecker and authorization for the City Manager to execute the contract

J. Approval of bids received and award the most advantageous bid for a utility tractor

K. Acceptance of a Temporary Construction Easement from Glover Properties, Inc S17 T18N R 14E)(Project: N&S Olive between Washington St & Houston St)

L. Acceptance of a General Warranty Deed from Glover Properties, Inc S17 T18N R14E) Project: S Olive Ave between Washington & Houston) Project: #ST0522)

M. Acceptance of a General Warranty Deed from Thomas and Linda Glover S17 T18N R14E) Project: ST0522)

N. Consideration of and approval of BAZ 1849, 2.58 acres, AR- I to RS-1, east of Elm Place 161st E. Avenue), approximately one-third mile north of Jasper Street 131st Street) and consideration and approval of abrogation of BAZ 1814

O. Consideration of and approval of PUD 205, Hillside Park, 38.00 acres, BAZ 1850, RM, CN and CG to CG and IL,

southwest corner of 9th Street Lynn Lane/177th East Avenue) and Kenosha Street 71st Street)
Broken Arrow City Council Page 1 of 7 August 3, 2010

P. Consideration of and approval of PT10-100, conditional final plat of Arlington Court II, 5.27 acres, 39 lots, RD/PUD 134D, one-third mile north of Kenosha Street (71st Street), east of Olive Avenue (129th East Avenue) at the southeast corner of Olive Avenue (129th East Avenue) and East 67th Street

Q. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5A. Approval of regular meeting minutes of July 20, 2010

Motion:	Move to approve the regular meeting minutes of July 20, 2010
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Mike Lester
Nays:	None
Abstain:	Wade McCaleb

5E. Approval of and authorization to execute a Contract for Services to assist at-risk Broken Arrow youth

Councilor Norman left the room.

Motion:	Move to approve and authorize execution of a contract for services to assist at-risk Broken Arrow youth
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Mike Lester
Nays:	None
Recuse:	Jill Norman

Councilor Norman returned to the room after the vote.

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

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

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

Section Minutes: No one signed up to address the Council on general topics related to city business or services.

9. General Council Business

A. Consideration and possible action on the redevelopment and rehabilitation activities in Camino Villa, to include a request from the Camino Villa Homeowner's Association to pass a Resolution declaring that the Camino Villa area is no longer blighted and potential direction to the Broken Arrow Development Authority

Item Minutes: City Manager Dave Wooden introduced the item and said that residents of Camino Villa would address the Council first.

Matt Boevers first thanked Mayor Lester and Councilman Carter for meeting with Camino Villa residents the day before. Noting that the Staff plans to refer this item back to the Broken Arrow Development Authority for the completion of the project plan, Mr. Boevers pointed out that until recently the Broken Arrow Development Authority has not had a single meeting posted after July of 2009. He also noted that one member has resigned, and the terms of three other members have expired. He stated that during a Broken Arrow Development Authority meeting, one of the members asked if the Authority was to reevaluate other areas of Broken Arrow as well as Camino Villa, and the answer was yes, although there were never any meetings afterwards. Mr. Boevers expressed concern that the Council plans to refer this matter back to the Broken Arrow Development Authority, noting that one of the Authority's recommendations was for the Council and staff to work with Camino Villa residents. He also pointed out that the Authority has met with the Council only two times, both meetings initiated by Camino Villa residents. Mr. Boevers stated that referring this item back to the Broken Arrow Development Authority would be a waste of time for the Authority and a waste of funds for the City, since an updated evaluation would be required. He asked why the City has not worked in a proactive manner with Camino Villa residents to resolve some of the issues in question, and urged the Council to remove the blight without sending the issue to the Broken Arrow Development Authority, and then back to the Council.

Donn Weber, who does not reside in Camino Villa but owns multiple lots there, praised the diversity of the residents of the area. He noted that he and a number of multiple lot owners are very proactive in keeping their properties maintained. He stated that this is not the case with a few multiple lot owners, and said these owners are known by the Council and by Code Enforcement. Mr. Weber stated that they are a major part of the reason the blight was initiated and should not be allowed to victimize the other lot owners. Mr. Weber agreed that ordinances need to be established for City mobile home parks, and said they welcome the opportunity to discuss the proposed ordinances sent by City Attorney Beth Anne to the Camino Villa attorney. He believes that such ordinances are a part of the solution, and that part of those ordinances should be directed to multiple lot owners, making them responsible to be good landlords and have a positive impact on the community and the City. Mr. Weber further stated that since the City knows who the offenders are, the City must also be held accountable for not acting to eradicate the problem on their part. Stating that many Camino Villa lot owners have done everything and more of what the City has asked them to do, he said they are ready to work with the City as the Broken Arrow Development Authority directive specified. Mr. Weber urged the Council to remove the blight, showing that the City and the community can work together towards a common goal.

Grace Weber addressed the Council regarding Camino Villa problems referred to in the recommendations from the staff to the Council. Regarding the street layout issue, she stated that the streets are the City's responsibility and said this problem is one the residents cannot do anything about. Regarding lack of adequate parking, Ms. Weber said that many owners have

P. Consideration of and approval of PT10-100, conditional final plat of Arlington Court II, 5.27 acres, 39 lots, RD/PUD 134D, one-third mile north of Kenosha Street 71st Street), east of Olive Avenue 129th East Avenue) at the southeast corner of Olive Avenue 129th East Avenue) and East 67th Street

Q. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5A. Approval of regular meeting minutes of July 20, 2010

Motion: Move to approve the regular meeting minutes of July 20, 2010

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Mike Lester

Nays: None

Abstain: Wade McCaleb

5E. Approval of and authorization to execute a Contract for Services to assist at-risk Broken Arrow youth
Councilor Norman left the room.

Motion: Move to approve and authorize execution of a contract for services to assist at-risk

Broken Arrow youth

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Wade McCaleb, Richard Carter, Mike Lester

Nays: None

Recuse: Jill Norman

Councilor Norman returned to the room after the vote.

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

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

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

Section Minutes: No one signed up to address the Council on general topics related to city business or services.

9. General Council Business

A. Consideration and possible action on the redevelopment and rehabilitation activities in Camino Villa, to include a re(st from the Camino Villa Homeowner's Association to pass a Resolution declaring that the Camino Villa area is no longer blighted and potential direction to the Broken Arrow Development Authority

Item Minutes: City Manager Dave Wooden introduced the item and said that residents of Camino Villa would address the Council first.

Matt Boevers first thanked Mayor Lester and Councilman Carter for meeting with Camino Villa residents the day before. Noting that the Staff plans to refer this item back to the Broken Arrow Development Authority for the completion of the project plan, Mr. Boevers pointed out that until recently the Broken Arrow Development Authority has not had a single meeting posted after July of 2009. He also noted that one member has resigned, and the terms of three other members have expired. He stated that during a Broken Arrow Development Authority meeting, one of the members asked if the Authority was to reevaluate other areas of Broken Arrow as well as Camino Villa, and the answer was yes, although there were never any meetings afterwards. Mr. Boevers expressed concern that the Council plans to refer this matter back to the Broken Arrow Development Authority, noting that one of the Authority's recommendations was for the Council and staff to work with Camino Villa residents. He also pointed out that the Authority has met with the Council only two times, both meetings initiated by Camino Villa residents. Mr. Boevers stated that referring this item back to the Broken Arrow Development Authority would be a waste of time for the Authority and a waste of funds for the City, since an updated evaluation would be required. He asked why the City has not worked in a proactive manner with Camino Villa residents to resolve some of the issues in question, and urged the Council to remove the blight without sending the issue to the Broken Arrow Development Authority, and then back to the Council.

Donn Weber, who does not reside in Camino Villa but owns multiple lots there, praised the diversity of the residents of the area. He noted that he and a number of multiple lot owners are very proactive in keeping their properties maintained-le stated that this is not the case with a few multiple lot owners, and said these owners are known by the Council and by e Enforcement. Mr. Weber stated that they are a major part of the reason the blight was initiated and should not be allow(o

victimize the other lot owners. Mr. Weber agreed that ordinances need to be established for City mobile home parks, and said they welcome the opportunity to discuss the proposed ordinances sent by City Attorney Beth Anne to the Camino Villa attorney. He believes that such ordinances are a part of the solution, and that part of those ordinances should be directed to multiple lot owners, making them responsible to be good landlords and have a positive impact on the community and the City. Mr. Weber further stated that since the City knows who the offenders are, the City must also be held accountable for not acting to eradicate the problem on their part. Stating that many Camino Villa lot owners have done everything and more of what the City has asked them to do, he said they are ready to work with the City as the Broken Arrow Development Authority directive specified. Mr. Weber urged the Council to remove the blight, showing that the City and the community can work together towards a common goal.

Grace Weber addressed the Council regarding Camino Villa problems referred to in the recommendations from the staff to the Council. Regarding the street layout issue, she stated that the streets are the City's responsibility and said this problem is one the residents cannot do anything about. Regarding lack of adequate parking, Ms. Weber said that many owners have

improved their driveways to accommodate two to five cars. She also said that many residents have expressed a desire to put in a new driveway or a new mobile home, but are hesitant to make an investment in their property due to the situation in which the City has put Camino Villa. Regarding the tax and title problems, Ms. Weber said they couldn't do anything about that, and wondered why that issue wasn't researched more before the City annexed Camino Villa. Ms. Weber said she was most concerned, however, about the Council's statement that they would like to continue efforts to resolve various code issues. She informed the Council that Camino Villa has volunteers that have worked tirelessly in this area. She noted that violations have decreased, adding that she questions the number of violations reported for 2009 because Camino Villa specifically reported at least 100 of those violations to the City in December 2009 in order to get their help. Ms. Weber also described the Staff's listing of the number of properties in violation as ambiguous. She told the Council that they would be receiving a copy of a DVD she delivered to Ms. Wilkening's office of the 300 lots in the Park, showing improvements. Ms. Weber said although they were asked to provide a wish list to City staff for help in improvements of the Park, the City either denied these requests or said they were not feasible. She said the only thing the City helped them with was the code situation, which they really appreciated, although it now appears to be held against them. Ms. Weber urged the Council to remove the blight and work with them as the Broken Arrow Development Authority directed, adding that the blight can be reinstated at a later time if the Council feels they have not been successful.

Ronald Cates, attorney for Camino Villa, addressed the Council next. He said that Resolution 500 resulted in Camino Villa being stigmatized. He described the Camino Villa residents as united, active, and committed, citing the 172 in-home interviews by Pinnacle as an example. Mr. Cates submitted to the City that there are no adverse consequences in removing the blight. He added that the code violations are being addressed, and the "arrested economic development" is nebulous, unimportant, and pervasive among many neighborhoods in Broken Arrow. Mr. Cates said they embrace a City ordinance for mobile home parks and will work with the City to that end. He urged the Council to remove the blight, stating that it's the right thing to do and now is the right time to do it.

Councilor McCaleb addressed Mr. Cates, stating that although he has noticed a vast improvement in Camino Villa over the last 30 months, there are still some areas that need help. He asked Mr. Cates if the proposed solution of a mobile home ordinance was agreeable, and Mr. Cates answered that they welcome such an ordinance and are willing to participate in any way helpful to the City. City attorney Ms. Wilkening stated that Camino Villa has been provided with a copy of the proposed ordinance, and said the Legal Department considered other city's mobile home ordinances and consulted with Ms. Weber and the Camino Villa Homeowner's Association in drafting that proposal. She said the Legal Department is now waiting for input from Camino Villa before bringing the ordinance before the Council. Councilor McCaleb stated that he looks forward to working with Camino Villa to continue the progress that has been made, stating that a mobile home ordinance will not only improve the appearance of the Park but will also boost property values. Ms. Wilkening informed the Council that Mr. Cates had submitted a Power Point presentation that was waived, but the information would be available in the Council packet.

City Manager Dave Wooden then addressed the Council, stating that the staff has reviewed the position presented by Camino Villa residents and sees no adverse impacts to removing the blight. He added that if the Council chooses to do so, the City does need a continued emphasis on the completion of a mobile home ordinance as well as a commitment from The Camino Villa Homeowners' Association to work with Code Enforcement on those issues that still need to be addressed.

Councilor McCaleb asked Dave Wooden if the code violations were committed by a small number of owners, as suggested by the property owners who addressed the Council. Mr. Wooden answered that he didn't know the precise number, but believes it to be small. He added verifying lot ownership through Wagoner County is a lengthy process. Ms. Wilkening added that, at the request of the Homeowners' Association, the City Attorney's office prosecuted the greatest violators in Municipal Court and received some favorable outcomes. She described this action as a proactive response on the City's part in response to a request from Mr. Cates.

Mayor Lester commented that he and Councilor Carter viewed the neighborhood last night and noted a significant change from many months ago. He also commended the City and the Homeowners' Association for working together for the common good.

Councilor Carter agreed with Mayor Lester and said it has been a moving experience for him to work with the Homeowners' Association over the past several years, to see so many people pitching in to improve their own community. Noting that there is still some room for improvement, he said the Park is on its way.

Motion:	Move to remove the blight designation on Camino Villa with the stipulation that the Camino Villa Homeowners' Association and the City staff continue to work toward the cleanup of those areas within the community, development of ordinances pertaining to mobile home parks, and to enforce code enforcement where necessary
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

Mayor Lester called for a short recess to allow those who wanted to leave to do so.

- B. Consideration of and possible action on a request to waive sidewalk along New Orleans Street (101st Street), approximately one-half mile east of 23rd Street (County Line Road/193rd E. Avenue), Camp Russell

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet. He said the Boy Scouts plan to begin construction soon on a trail in front of their property, and have been working with the City and the Parks Directors to integrate their trail with the City's trail system. Mr. Wooden stated the City's recommendation that instead of the waiver, the Boy Scouts construct a five-foot sidewalk from their east property line to their first driveway, a distance of about 1000 feet, allowing the City to connect this new trail with the Northeastern State University's trail system. He also stated that the sidewalk construction can be deferred until December of 2012.

improved their driveways to accommodate two to five cars. She also said that many residents have expressed a desire to put in a new driveway or a new mobile home, but are hesitant to make an investment in their property due to the situation in which the City has put Camino Villa. Regarding the tax and title problems, Ms. Weber said they couldn't do anything about that, and wondered why that issue wasn't researched more before the City annexed Camino Villa. Ms. Weber said she was most concerned, however, about the Council's statement that they would like to continue efforts to resolve various code issues. She informed the Council that Camino Villa has volunteers that have worked tirelessly in this area. She noted that violations have decreased, adding that she questions the number of violations reported for 2009 because Camino Villa specifically reported at least 100 of those violations to the City in December 2009 in order to get their help. Ms. Weber also described the Staffs listing of the number of properties in violation as ambiguous. She told the Council that they would be receiving a copy of a DVD she delivered to Ms. Wilkening's office of the 300 lots in the Park, showing improvements. Ms. Weber said although they were asked to provide a wish list to City staff for help in improvements of the Park, the City either denied these requests or said they were not feasible. She said the only thing the City helped them with was the code situation, which they really appreciated, although it now appears to be held against them. Ms. Weber urged the Council to remove the blight and work with them as the Broken Arrow Development Authority directed, adding that the blight can be reinstated at a later time if the Council feels they have not been successful.

Ronald Cates, attorney for Camino Villa, addressed the Council next. He said that Resolution 500 resulted in Camino Villa being stigmatized. He described the Camino Villa residents as united, active, and committed, citing the 172 in-home interviews by Pinnacle as an example. Mr. Cates submitted to the City that there are no adverse consequences in removing the blight. He added that the code violations are being addressed, and the arrested economic development" is nebulous, unimportant, and pervasive among many neighborhoods in Broken Arrow. Mr. Cates said they embrace a City ordinance for mobile home parks and will work with the City to that end. He urged the Council to remove the blight, stating that it's the right thing to do and now is the right time to do it.

Councilor McCaleb addressed Mr. Cates, stating that although he has noticed a vast improvement in Camino Villa over the last 30 months, there are still some areas that need help. He asked Mr. Cates if the proposed solution of a mobile home ordinance was agreeable, and Mr. Cates answered that they welcome such an ordinance and are willing to participate in any way helpful to the City. City attorney Ms. Wilkening stated that Camino Villa has been provided with a copy of the proposed ordinance, and said the Legal Department considered other city's mobile home ordinances and consulted with Ms. Weber and the Camino Villa Homeowner's Association in drafting that proposal. She said the Legal Department is now waiting for input from Camino Villa before bringing the ordinance before the Council. Councilor McCaleb stated that he looks forward to working with Camino Villa to continue the progress that has been made, stating that a mobile home ordinance will not only improve the appearance of the Park but will also boost property values. Ms. Wilkening informed the Council that Mr. Cates had submitted a Power Point presentation that was waived, but the information would be available in the Council packet.

City Manager Dave Wooden then addressed the Council, stating that the staff has reviewed the position presented by Camino Villa residents and sees no adverse impacts to removing the blight. He added that if the Council chooses to do so, the City does need a continued emphasis on the completion of a mobile home ordinance as well as a commitment from The Camino Villa Homeowners' Association to work with Code Enforcement on those issues that still need to be addressed. Councilor McCaleb asked Dave Wooden if the code violations were committed by a small number of owners, as suggested by the property owners who addressed the Council. Mr. Wooden answered that he didn't know the precise number, but believes it to be small. He added verifying lot ownership through Wagoner County is a lengthy process. Ms. Wilkening added that, at the request of the Homeowners' Association, the City Attorney's office prosecuted the greatest violators in Municipal Court and received some favorable outcomes. She described this action as a proactive response on the City's part in response to a request from Mr. Cates.

Mayor Lester commented that he and Councilor Carter viewed the neighborhood last night and noted a significant change from many months ago. He also commended the City and the Homeowners' Association for working together for the common good.

Councilor Carter agreed with Mayor Lester and said it has been a moving experience for him to work with the Homeowners' Association over the past several years, to see so many people pitching in to improve their own community. Noting that there is still some room for improvement, he said the Park is on its way.

Motion: Move to remove the blight designation on Camino Villa with the stipulation

that the Camino Villa Homeowners' Association and the City staff continue to work toward the cleanup of those areas within the community, development of ordinances pertaining to mobile home parks, and to enforce code enforcement where necessary

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

Mayor Lester called for a short recess to allow those who wanted to leave to do so.

B. Consideration of and possible action on a request to waive sidewalk along New Orleans Street 101st Street), approximately one-half mile east of 23rd Street County Line Road/193rd E. Avenue), Camp Russell

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet. He said the Boy Scouts plan to begin construction soon on a trail in front of their property, and have been working with the City and the Parks Directors to integrate their trail with the City's trail system. Mr. Wooden stated the City's recommendation that instead of the waiver, the Boy Scouts construct a five-foot sidewalk from their east property line to their first driveway, a distance of about 1000 feet, allowing the City to connect this new trail with the Northeastern State University's trail system. He also stated that the sidewalk construction can be deferred until December of 2012.

Broken Arrow City Council Page 3 of 7 August 3, 2010

Mayor Lester asked if the code requirement was for a five-foot or four-foot sidewalk. Mr. Wooden confirmed that it was five-foot. Councilor Carter asked what the approximate per-foot cost of a sidewalk that size would be. Mr. Wooden answered that the cost was about 27 dollars a yard. Councilor Norman asked about the reason the Boy Scouts requested a waiver, and Mr. Wooden answered that since Northeastern State University originally didn't have a sidewalk, the Boy Scouts felt their sidewalk wouldn't tie into anything. But now that Northeastern State University will be building a sidewalk, the City wanted the sidewalks to be connected.

Mayor Lester reminded the Council of how Liberty Church at 75th and Garnett originally built a sidewalk that didn't connect to any other sidewalk, but now it does connect to other sidewalks. Mr. Wooden noted that a representative of the Boy Scouts did not appear to be present, and further noted that the Boy Scouts were informed of what the City was going to recommend.

Mayor Lester asked City Attorney Beth Anne Wilkening if a motion to deny the Boy Scouts' request for a waiver was necessary, and she answered that it was not.

Motion:	Move to accept staff recommendation that a minimum five-foot wide sidewalk be constructed from the east property line adjoining Northeastern State University to the east side of the entry drive from New Orleans Street, which is approximately 1,000 feet. The construction of this sidewalk can be deferred to a future construction phase, but shall be completed no later than December 2012
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- C. Consideration and possible approval of the Fiscal Year 2010-11 labor agreement between the Communication Workers of America District 6 and the City of Broken Arrow

Item Minutes: Mr. Wooden noted that Human Resources Director Russell Gale, who negotiated with the Communication Workers of America District 6 Bargaining Team, was unable to be in attendance. He then stated the factual information as contained in the Fact Sheet provided in the agenda packet. Mr. Wooden also recognized the Communication Workers of America District 6 for being very conscientious and responsible in their approach to negotiations this year, taking into account the financial position of the City and the economy while still negotiating a contract that protected their members.

Mayor Lester reiterated Mr. Wooden's appreciation for the Communication Workers of America District 6, expressing gratitude for their efforts to work with the City during these difficult times.

Councilor Carter expressed his appreciation to the Communication Workers of America District 6 as well, thanking them for understanding the City's situation and being fair-minded.

Motion:	Move to approve and authorize execution of the Fiscal Year 2010-11 labor agreement between the Communication Workers of America District 6 and the City of Broken Arrow
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- D. Consideration, possible approval of and authorization to execute Community Development Block Grant (CDBG) Fiscal Year 2010 Social Services allocation recommendation

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that this amount provides the receiving groups with the maximum that City can provide at this time.

Motion:	Move to approve the Community Development Block Grant (CDBG) Fiscal Year 2010 Social Services allocation recommendation
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- E. Consideration and possible approval of a Resolution 658, a Resolution authorizing the City Attorney to confess judgment without admitting liability in the District Court of Tulsa County, *Okon C. Udoumoh v. City of Broken Arrow*, Case Number CJ-2010-04294 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry incorporating this Resolution for the Court's approval pursuant to 51 O.S. § 158

Item Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion:	Move to approve and authorize execution of Resolution Number 658
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

Mayor Lester asked if the code requirement was for a five-foot or four-foot sidewalk. Mr. Wooden confirmed that it was five-foot. Councilor Carter asked what the approximate per-foot cost of a sidewalk that size would be. Mr. Wooden answered that the cost was about 27 dollars a yard. Councilor Norman asked about the reason the Boy Scouts requested a waiver, and Mr. Wooden answered that since Northeastern State University originally didn't have a sidewalk, the Boy Scouts felt their sidewalk wouldn't tie into anything. But now that Northeastern State University will be building a sidewalk, the City wanted the sidewalks to be connected.

Mayor Lester reminded the Council of how Liberty Church at 75th and Garnett originally built a sidewalk that didn't connect to any other sidewalk, but now it does connect to other sidewalks. Mr. Wooden noted that a representative of the Boy Scouts did not appear to be present, and further noted that the Boy Scouts were informed of what the City was going to recommend.

Mayor Lester asked City Attorney Beth Anne Wilkening if a motion to deny the Boy Scouts' request for a waiver was necessary, and she answered that it was not.

Motion: Move to accept staff recommendation that a minimum five-foot wide sidewalk be constructed from the east property line adjoining Northeastern State University to the east side of the entry drive from New Orleans Street, which is approximately 1,000 feet. The construction of this sidewalk can be deferred to a future construction phase, but shall be completed no later than December 2012

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

C. Consideration and possible approval of the Fiscal Year 2010-11 labor agreement between the Communication Workers of America District 6 and the City of Broken Arrow

Item Minutes: Mr. Wooden noted that Human Resources Director Russell Gale, who negotiated with the Communication Workers of America District 6 Bargaining Team, was unable to be in attendance. He then stated the factual information as contained in the Fact Sheet provided in the agenda packet. Mr. Wooden also recognized the Communication Workers of America District 6 for being very conscientious and responsible in their approach to negotiations this year, taking into account the financial position of the City and the economy while still negotiating a contract that protected their members. Mayor Lester reiterated Mr. Wooden's appreciation for the Communication Workers of America District 6, expressing gratitude for their efforts to work with the City during these difficult times.

Councilor Carter expressed his appreciation to the Communication Workers of America District 6 as well, thanking the... for understanding the City's situation and being fair-minded.

Motion: Move to approve and authorize execution of the Fiscal Year 2010-11 labor agreement between the Communication Workers of America District 6 and the City of Broken Arrow

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

D. Consideration, possible approval of and authorization to execute Community Development Block Grant (CDBG) Fiscal Year 2010 Social Services allocation recommendation

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that this amount provides the receiving groups with the maximum that City can provide at this time.

Motion: Move to approve the Community Development Block Grant (CDBG) Fiscal Year 2010 Social Services allocation recommendation

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

E. Consideration and possible approval of a Resolution 658, a Resolution authorizing the City Attorney to confess judgment without admitting liability in the District Court of Tulsa County, Okon C. Udoumoh v. City of Broken Arrow, Case Number CJ-2010-04294 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry incorporating this Resolution for the Court's approval pursuant to 51 O.S. 158
Item Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve and authorize execution of Resolution Number 658

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

Broken Arrow City Council Page 4 of 7 August 3, 2010

- F. Consideration and possible approval of Resolution 660, a Resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in principal amount not to exceed \$5,735,000 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: This item was tabled until after the Broken Arrow Municipal Authority meeting.

Mayor Lester returned to 9F after the Broken Arrow Municipal Authority meeting.

Motion:	Move to table item 9F until after the Broken Arrow Municipal meeting
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

Mayor Lester returned to item 9F at approximately 7:29 following the conclusion of the Broken Arrow Municipal Authority.

City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion:	Move to approve and authorize execution of Resolution Number 660
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- G. Consideration and possible approval of Resolution 661, a Resolution authorizing the City Attorney to agree to Entry of Judgment in the case of The City of Broken Arrow, Oklahoma v. The Brandy, L.L.C., et al., Wagoner County District Court Case Number CJ-07-49 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval

Item Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion:	Move to approve and authorize execution of Resolution Number 661
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- H. Consideration and possible approval of Resolution 662, a Resolution of the Broken Arrow City Council approving and adopting the construction plans, specifications and estimates of probable cost for the improvements to the stormwater sewer systems of SteepleChase Farms and Amended Glen Eagles located North of Dearborn (41st Street) and West of 209th East Avenue, ordering that the improvements be constructed in accordance with the final detailed plans, specifications, and profiles of the City Engineer and providing for compliance with the provisions of 11 O.S. §37-216

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet

Motion:	Move to approve and authorize execution of Resolution Number 662
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- I. Consideration and possible approval of Resolution 663, a Resolution of the Broken Arrow City Council approving and adopting the construction plans, specifications and estimates of probable cost for the improvements to the sanitary sewer system of Arrow Acres located south of Washington Street and West of 1st Street, ordering that the improvements be constructed in accordance with the final detailed plans, specifications and profiles of the City Engineer and providing for the compliance with the provisions of 11 O.S. §37-216

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet

Motion:	Move to approve and authorize execution of Resolution Number 663
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- J. Consideration and possible approval of appointment of Mark Frie to the Convention and Visitors Bureau to fill the unexpired term of James Gordon, whose term expires September 30, 2010

F. Consideration and possible approval of Resolution 660, a Resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in principal amount not to exceed \$5,735,000 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: This item was tabled until after the Broken Arrow Municipal Authority meeting.

Mayor Lester returned to 9F after the Broken Arrow Municipal Authority meeting.

Motion: Move to table item 9F until after the Broken Arrow Municipal meeting

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

Mayor Lester returned to item 9F at approximately 7:29 following the conclusion of the Broken Arrow Municipal Authority.

City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve and authorize execution of Resolution Number 660

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

G. Consideration and possible approval of Resolution 661, a Resolution authorizing the City Attorney to agree to Entry of Judgment in the case of The City of Broken Arrow, Oklahoma v. The Brandy, L.L.C., et al., Wagoner County District Court Case Number CJ-07-49 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval

Item Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Motion: Move to approve and authorize execution of Resolution Number 661

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

H. Consideration and possible approval of Resolution 662, a Resolution of the Broken Arrow City Council approving and adopting the construction plans, specifications and estimates of probable cost for the improvements to the stormwater sewer systems of SteepleChase Farms and Amended Glen Eagles located North of Dearborn 41st Street) and West of 209th East Avenue, ordering that the improvements be constructed in accordance with the final detailed plans, specifications, and profiles of the City Engineer and providing for compliance with the provisions of 11 O.S. 37-216

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet

Motion: Move to approve and authorize execution of Resolution Number 662

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

I. Consideration and possible approval of Resolution 663, a Resolution of the Broken Arrow City Council approving and adopting the construction plans, specifications and estimates of probable cost for the improvements to the sanitary sewer system of Arrow Acres located south of Washington Street and West of 1st Street, ordering that the improvements be constructed in accordance with the final detailed plans, specifications and profiles of the City Engineer and providing for the compliance with the provisions of 11 O.S. 37-216

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet

Motion: Move to approve and authorize execution of Resolution Number 663

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

J. Consideration and possible approval of appointment of Mark Frie to the Convention and Visitors Bureau to fill the unexpired term of James Gordon, whose term expires September 30, 2010

Broken Arrow City Council Page 5 of 7 August 3, 2010

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

Motion:	Move to approve the appointment of Mark Frie to the Convention and Visitors Bureau to fill the unexpired term of James Gordon, whose term expires September 30, 2010
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

10. City Manager's Report

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

11. Preview Ordinances

Section Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Councilor McCaleb asked if the ordinance allowed fireworks within 60 feet of each direction of a permitted residence's front door, and Ms. Wilkening confirmed that this was true. He then asked if his neighbor could come on his property and shoot fireworks, and Ms. Wilkening acknowledged that although this is true, theoretically they would be trespassing if he didn't want them there.

Motion:	Move to pass the preview ordinance for adoption at the next Council meeting
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

- A. An ordinance amending Chapter 10, Article 1, Section 3 of the Broken Arrow Code pertaining to Manufacture, Sale, Use, etc., of Fireworks; repealing all ordinances to the contrary; and declaring an emergency.

12. Ordinances

Section Minutes: The Ordinances 12A and 12B were taken together. Finance Director Tom Caldwell stated the factual information as contained in the Fact Sheet provided in the agenda packet.

- A. Adopt Ordinance Number 3117, an ordinance amending Article II, Section 24-207 of the Broken Arrow Code, Billings; when due and payable; penalty for delinquency; discontinuing service for failure to pay; repealing all ordinances to the contrary and declaring an emergency
- B. Adopt Ordinance Number 3118, an ordinance amending Article VI, Section 24-606 of the Broken Arrow Code, Charges associated with discontinuance of service; repealing all ordinances to the contrary and declaring an emergency

Motion:	Move to adopt ordinances 3117 and 3118
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

Motion:	Move to adopt the emergency clause on ordinances 3117 and 3118
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor Carter extended the Councils' condolences and sympathy to the Thurmond family, stating that Vice-Mayor Craig Thurmond's wife passed away last week. Mayor Lester added that they'll continue to keep Craig in their prayers.

At approximately 7:25 p.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:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

Mayor Lester reconvened the regular Council meeting at approximately 7:29 p.m.

Mayor Lester returned to item 9F. [See Item 9F]

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

Motion: Move to approve the appointment of Mark Frie to the Convention and Visitors

Bureau to fill the unexpired term of James Gordon, whose term expires

September 30, 2010

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

10. City Manager's Report

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

11. Preview Ordinances

Section Minutes: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

Councilor McCaleb asked if the ordinance allowed fireworks within 60 feet of each direction of a permitted residence's front door, and Ms. Wilkening confirmed that this was true. He then asked if his neighbor could come on his property and shoot fireworks, and Ms. Wilkening acknowledged that although this is true, theoretically they would be trespassing if he didn't want them there.

Motion: Move to pass the preview ordinance for adoption at the next Council meeting

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

A. An ordinance amending Chapter 10, Article 1, Section 3 of the Broken Arrow Code pertaining to Manufacture, Sale, Use, etc., of Fireworks; repealing all ordinances to the contrary; and declaring an emergency.

12. Ordinances

Section Minutes: The Ordinances 12A and 12B were taken together. Finance Director Tom Caldwell stated the factual information as contained in the Fact Sheet provided in the agenda packet.

A. Adopt Ordinance Number 3117, an ordinance amending Article II, Section 24-207 of the Broken Arrow Code, Bill when due and payable; penalty for delinquency; discontinuing service for failure to pay; repealing all ordinances to the contrary and declaring an emergency

B. Adopt Ordinance Number 3118, an ordinance amending Article VI, Section 24-606 of the Broken Arrow Code, Charges associated with discontinuance of service; repealing all ordinances to the contrary and declaring an emergency

Motion: Move to adopt ordinances 3117 and 3118

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

Motion: Move to adopt the emergency clause on ordinances 3117 and 3118

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor Carter extended the Councils' condolences and sympathy to the Thurmond family, stating that Vice-Mayor Craig Thurmond's wife passed away last week. Mayor Lester added that they'll continue to keep Craig in r prayers.

At approximately 7:25 p.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 b Richard Carter

Second b Jill Norman

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

Nays: None

Mayor Lester reconvened the regular Council meeting at approximately 7:29 p.m.

Mayor Lester returned to item 9F. See Item 9F]

Broken Arrow City Council

Page 6 of 7

August 3, 2010

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 recess prior to entering into Executive Session
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

Mayor Lester reconvened the regular Council meeting at approximately 7:36 pm.

Motion:	Move to enter into Executive Session
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow, Oklahoma, a Municipal Corporation v. Terry L. Minnick and Susan M. Minnick, et al., Tulsa County District Court Case Number CJ-2008-01626; Mike M. Jackson v. City of Broken Arrow, Workers' Compensation Court for the State of Oklahoma, Case Number 2010-00433H, 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.

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:44 p.m., and the room was opened for those in attendance.

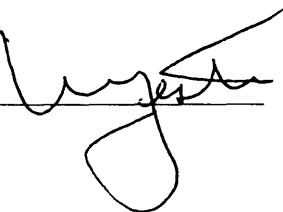
Motion:	Move to direct the City Attorney to proceed as directed in the case of City of Broken Arrow v. Minnick
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

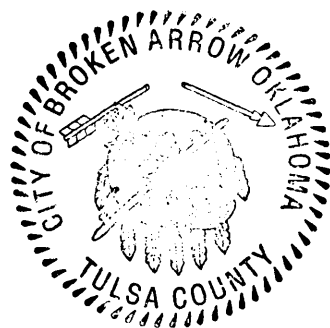
Motion:	Move to direct outside counsel to joint petition the Jackson workers compensation claim for the sum of \$39,500
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None

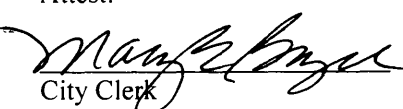
15. **Adjournment**

Section Minutes: The meeting adjourned at approximately 7:44 p.m.

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

Mayor 



Attest:

 City Clerk

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 recess prior to entering into Executive Session

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

Mayor Lester reconvened the regular Council meeting at approximately 7:36 pm.

Motion: Move to enter into Executive Session

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow, Oklahoma, a Municipal Corporation v. Terry L. Minnick and Susan M. Minnick, et al., Tulsa County District Court Case Number CJ-2008-01626; Mike M. Jackson v. City of Broken Arrow, Workers' Compensation Court for the State of Oklahoma, Case Number 2010-00433H, 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.

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:44 p.m., and the room was opened for those in attendance.

Motion: Move to direct the City Attorney to proceed as directed in the case of City of

Broken Arrow v. Minnick

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

Motion: Move to direct outside counsel to joint petition the Jackson workers compensation claim for the sum of \$39,500

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:44 p.m.

Motion: Move to adjourn

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

Attest:

Broken Arrow City Council Page 7 of 7 August 3, 2010