

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
August 17, 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: There was no one to deliver the invocation.

Roll Call

Present:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Absent:	None

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to remove from the Consent Agenda. Councilor Thurmond asked that item 5A be removed. Mayor Lester then asked for a motion.

Motion:	Move to approve the Consent Agenda except item 5A
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Approval of regular meeting minutes of August 3, 2010
- B. Acceptance of minutes of the Planning Commission meeting held July 22, 2010.
- C. Ratification of Proclamation recognizing Dusty Dilldine
- D. Approval of the Second Renewal of the Personal Services Contract for Professional Services between the City of Broken Arrow and Claims Management Resources (previously City Wide Subrogation, Inc.)
- E. Approve and authorize execution of Amendment No. 1 to A/E contract for design of Traffic Signal Coordination System
- F. Consideration, possible approval of and authorization to accept State Farm Insurance Company's offer to settle a claim for vehicle loss, declaring the totaled vehicle surplus and releasing it to State Farm Insurance Company
- G. Consideration, possible approval of and authorization to accept Mercury Insurance Company's offer to settle a claim for equipment loss, declaring the totaled equipment surplus and releasing it to Mercury Insurance Company
- H. Approval of Major Change MC01 to Contract Number ST9814, Washington Street Extension to Northeastern State University
- I. Approval of Work Order Number W031 to Contract ST0811, Portland Concrete Street Repairs
- J. Approval of Bids Received, Award of the Most Advantageous Bid to Paragon Contractors, LLC, and Authorization for the City Manager to execute a Construction Contract for Main Street, Kenosha to El Paso Asphalt Mill and Overlay
- K. Consideration of and approval of BACP 112, Tucson Village, 7.79 acres of an 80.32 acre tract, 1 lot, Level 2 to Level 4, southwest corner of Tucson Street (121st Street) and 23rd Street (County Line Road/193rd East Avenue).
- L. Consideration of and approval of SP 240, Community Action Resource and Development Head Start, 3.98 acres, 1 lot, R-2, south and east of the southeast corner of Elm Place (161st East Avenue) and Houston Street (81st Street).
- M. Consideration of and approval of PT10-102, conditional final plat, Kenosha Commerce Center, 11.81 acres, 2 lots, CG and IL/PUD 202A, one-quarter mile west of Olive Avenue, south of Kenosha Street.
- N. Accept The Park at Adam's Creek Property Owners' Association, Inc. Flood Prone Property Deed of Dedication and authorize the Mayor to execute proper closing procedure to transfer ownership of property
- O. Acceptance of Sidewalk Easement located in Lot 1 Block 1 of Kenosha Landing, and addition to the City of Broken Arrow, Tulsa County, State of Oklahoma (Project: Kenosha Landing)
- P. Acceptance of Utility Easement and Deed of Dedication located in a tract of land in the northeast quarter of Section Thirty Six (36), Township Eighteen (18) North, Range Fourteen (14) East (Project: Meier BAL 985)

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Present:

Absent: None

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Motion: Move to approve the Consent Agenda except item 5A

Motion b Richard Carter

Second b Wade McCaleb

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Nays: None

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Six 36), Township Eighteen 18) North, Range Fourteen 14) East Project: Meier BAL 985)
Broken Arrow City Council Page 1 of 3 August 17, 2010

6. Consideration of Items Removed from Consent Agenda

5A. Approval of regular meeting minutes of August 3, 2010

Section Minutes: Vice Mayor Thurmond noted that the minutes of August 3, 2010 incorrectly indicated that he had voted on items 13 and 14 although he was absent. Councilor McCaleb noted that his name was omitted from those same items although he had voted. City Attorney Beth Anne Wilkening suggested that action not be taken on this item, but that it be corrected and presented at the next meeting for approval.

Motion:	Move to table Item 5A until the next meeting
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb , Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

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

A. Award: Approval and presentation of the "Employee of the Quarter" award recognizing Greg Kirby for the term April through June 2010

Item Minutes: City Manager Dave Wooden stated that Greg Kirby, in the Storm Water Section, does an outstanding job for the City, going far above and beyond what's normally expected of an employee. He said Mr. Kirby was the one who discovered the recent issue of a large number of people not paying their storm water fees. Mr. Wooden described Mr. Kirby as very active, helping his fellow workers and providing assistance in areas outside the City. He stated that he strongly agrees with the Employee Advisory Committee, that Greg Kirby is an outstanding Employee of the Quarter for the City, and he recommends strongly that the Council approve the Employee of the Quarter award for Greg Kirby.

Motion:	Move to award Greg Kirby the Employee of the Quarter Award
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb , Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester then presented the award to Greg Kirby.

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. Approval of bids received and award most advantageous bid for Mobile Data Computers and Vehicular Docking Stations

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, described this item as the final step in getting the hardware online for the mobile data system for the police and fire departments. He stated that Turn-Key Mobile provided the lowest bid for the data computers and the lowest bid met the City's specifications for the docking stations.

Motion:	Move to approve the bids received and award the most advantageous to Turn-Key Mobile and authorize the purchase of 103 mobile data computers and vehicular docking stations
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

B. Consideration and possible approval of a Resolution authorizing the City Attorney to agree to Entry of Judgment in the case of The City of Broken Arrow, Oklahoma, v. Terry L. Minnick and Susan M. Minnick, et al., Tulsa County District Court Case Number CJ-2008-01626 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: Noting that this item was considered by the Council in Executive Session at the last meeting, City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet. She stated that she hopes the only remaining issue, pertaining to CitiMortgage and the interest that they're claiming, will be resolved in advance of completion of the journal entry.

Motion:	Move to approve Resolution Number 664
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

C. Consideration and possible approval for staff to complete the Adopt-a-Corner Program development and a Council resolution; and to present both to the Council for formal approval at a future Council meeting.

Q. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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Motion: Move to table Item 5A until the next meeting

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

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

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Motion: Move to award Greg Kirby the Employee of the Quarter Award

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

Mayor Lester then presented the award to Greg Kirby.

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.

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Motion: Move to approve the bids received and award the most advantageous to Turn-

Key Mobile and authorize the purchase of 103 mobile data computers and

vehicular docking stations

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

B. Consideration and possible approval of a Resolution authorizing the City Attorney to agree to Entry of Judgment in the case of The City of Broken Arrow, Oklahoma, v. Terry L. Minnick and Susan M. Minnick, et al., Tulsa County District Court Case Number CJ-2008-01626 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval

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Motion: Move to approve Resolution Number 664

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

C. Consideration and possible approval for staff to complete the Adopt-a-Corner Program development and a Council resolution; and to present both to the Council for formal approval at a future Council meeting.

Broken Arrow City Council Page 2 of 3 August 17, 2010

Item Minutes: Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet. He also stated that this program will require one ordinance change to allow private citizens to remove signs, which currently is not allowed under the City's code.

Councilor McCaleb informed the Council that the Adopt-a-Corner Program committee already has a chairman, volunteers, and requests to adopt corners to help rid the City of some of these illegal signs on rights-of-way.

Motion:	Move to approve for staff to complete the Adopt-a-Corner Program and Council resolution
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

10 City Manager's Report

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

11. Preview Ordinances

Section Minutes: The Preview Ordinances 11A, 11B, and 11C were taken together. City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

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

- A. An ordinance amending Article II, Section 3.7 of the Broken Arrow Code, Alarms
- B. An ordinance amending Chapter 16, Article III, Section 16-60.1 of the Broken Arrow Code pertaining to Authority to Confiscate Signs Located on Rights-of-Way; Reclamation Destruction; repealing all ordinances to the contrary; and declaring an emergency
- C. An ordinance adopting the proposed update of the City of Broken Arrow Land Subdivision Ordinance.

12. Ordinances

Section Minutes: The Ordinances 12A and 12B were taken together. City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet.

- A. Adopt Ordinance No. 3119 amending Chapter 2, Article IX, Sections 2-148, 2-150, 2-151, 2-152, 2-153, 2-155, 2-157, 2-168, and 2-169, of the Broken Arrow Code pertaining to Employee Rules and Regulations; repealing all ordinances to the contrary; and declaring an emergency
- B. Adopt Ordinance No. 3120 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

Motion:	Move to adopt Ordinances 3119 and 3120
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to adopt the emergency clause on Ordinances 3119 and 3120
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

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

Executive Session

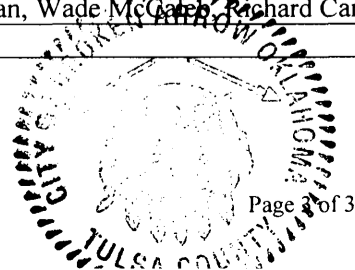
Section Minutes: There was no executive session.

15. Adjournment

Section Minutes: The meeting adjourned at approximately 6:45 p.m.

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

Mayor



Attest:
[Signature]
City Clerk

Item Minutes: Mr. Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet. He also stated that this program will require one ordinance change to allow private citizens to remove signs, which currently is not allowed under the City's code.

Councilor McCaleb informed the Council that the Adopt-a-Corner Program committee already has a chairman, volunteers, and requests to adopt corners to help rid the City of some of these illegal signs on rights-of-way.

Motion: Move to approve for staff to complete the Adopt-a-Corner Program and

Council resolution

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

in City Manager's Report

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

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

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B. Adopt Ordinance No. 3120 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

Motion: Move to adopt Ordinances 3119 and 3120

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

Motion: Move to adopt the emergency clause on Ordinances 3119 and 3120

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

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

Executive Session

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Mayor

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Nays: Norio- lk,

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City Cl

August 17, 2010