

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

September 7, 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: The invocation was delivered by Glen Davis, one of the City's police chaplains.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Section Minutes: Vice-Mayor Thurmond led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. Items 5A and 5K were removed. Mayor Lester then asked for a motion.

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

- A. Approval of corrected regular meeting minutes of August 3, 2010
- B. Approval of regular meeting minutes of August 17, 2010
- C. Acceptance of the minutes of Planning Commission meeting held August 12, 2010
- D. Approval of and authorization to execute Budget Amendment Number 4 for Fiscal Year 2010-2011
- E. Consideration and Possible Approval of Final Major Quantity Change MQ01 to Contract # ST0534A, Washington Street Widening, 1st Place to 9th Street
- F. Consideration, possible approval of and authorization to execute a Contract with Tulsa County for Community Development Block Grant ("CDBG") PY2010 Social Services Funding
- G. Approval of the 2011 One Voice Legislative Agenda
- H. Approval of the Youth City Council Program and expenses for the school year 2010-2011
- I. Consideration, possible approval of and authorization to execute a Professional Services Agreement with Scott B. Wood, Attorney at Law, of Wood, Puhl, & Wood, P.L.L.C.
- J. Approval of and authorization to execute a Service agreement with Blackboard Connect-CTY
- K. Consideration, possible approval of, and authorization to execute the City of Broken Arrow Youth Counseling Agreement
- L. Consideration & Approval of a Use Agreement with the Broken Arrow Soccer Club
- M. Approval of bids received, award of the most advantageous bid, and authorization to execute a construction contract for Fiber Optic Line Relocation at the Flight Safety Site on Tiger Hill, south of Kenosha Street and west of 9th Street
- N. Approval of bids received, award of the most advantageous bid, and authorization to execute a construction contract for North 38th Street, north of Kenosha and west of the Creek Turnpike
- O. Approval of Bids Received and award of the Most Advantageous Bid for the purchase of three dump trucks
- P. Consideration of and possible approval of BACP 113, 0.71 acres, 1 lot, Level 2 to Level 6, one-quarter mile south of Kenosha Street (71st Street), one-quarter mile west of 9th Street (Lynn Lane/177th East Avenue) at 702 East Elgin Place

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Present:

Absent: None

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Section Minutes: Vice-Mayor Thurmond led the Pledge of Allegiance to the Flag.

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

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

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

B. Approval of regular meeting minutes of August 17, 2010

C. Acceptance of the minutes of Planning Commission meeting held August 12, 2010

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E. Consideration and Possible Approval of Final Major Quantity Change MQ01 to Contract # ST0534A, Washington Street Widening, 1st Place to 9th Street

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G. Approval of the 2011 One Voice Legislative Agenda

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Broken Arrow City Council Page 1 of 6 September 7, 2010

- Q. Consideration of and possible approval of BACP 114, 1.70 acres, 1 lot, Level 2 to Level 6, one-quarter mile south of Kenosha Street (71st Street), one-quarter mile west of 9th Street (Lynn Lane/177th East Avenue) at 710 East Elgin Place
- R. Consideration of and possible approval of BACP 115, 0.67 acres, 1 lot, Level 2 to Level 6, one-quarter mile south of Kenosha Street (71st Street), one-quarter mile west of 9th Street (Lynn Lane/177th East Avenue) at 808 East Elgin Place
- S. Consideration of and possible approval of SP 241, First Baptist Church, 0.52 acres, 1 lot, R-1, northeast corner of Elm Place (161st East Avenue) and Albany Street (61st Street)
- T. Consideration of and possible approval of SP 242, Broken Arrow Beauty College Expansion, 0.96 acres, 1 lot, CN, ¼ mile north of Houston Street (81st Street), west of Elm Place (161st East Avenue)
- U. Acceptance of a Temporary Construction Easement from Paul and Theda Anderson (S23 T18N R14E)(Project: Arrow Acres Sanitary Sewer Improvements)
- V. Acceptance of a Temporary Construction Easement from Gordon Fine (S23 T18N R14E)(Project: Arrow Acres Sanitary Sewer Improvements)
- W. Acceptance of a Temporary Construction Easement from John R. Koons Trust (S23 T18N R14E) (Project: Arrow Acres Sanitary Sewer Improvements)
- X. Acceptance of a Temporary Construction Easement from Bryan Payne (S6 T18N R15E) (Project: Woodstock Drainage Improve)
- Y. Acceptance of a Temporary Construction Easement from Donn and Grace Weber (S6 T18N R15E) (Project: Woodstock Drainage Improvements)
- Z. Acceptance of a Temporary Construction Easement from Storybook Properties, Inc (S23 T18N R14E)(Project: Arrow Acres Sewer Improvements)
- AA. Acceptance of a Temporary Construction Easement from Storybook Properties Inc (S23 T18N R14E) (Project: Arrow Acres Sanitary Sewer Improvements)
- BB. Acceptance of a Utility Easement from Storybook Properties, Inc (S23 T18N R14E) (Project: Arrow Acres Sanitary Sewer Improvements)
- CC. Acceptance of Utility Easement and Deed of Dedication located in a tract of land in the northwest quarter of Section Fourteen (14), Township Eighteen (18) North, Range Fourteen (14) East, in the City of Broken Arrow, County of Tulsa and State of Oklahoma(Project: BA Schools - Southside Elementary
- DD. Acceptance of Utility Easement and Deed of Dedication located on Lot 5, Block 5, Sun City IV, and addition to the City of Broken Arrow, Wagoner County
- EE. Acceptance of Public Improvements for Park at Mission Hills
- FF. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

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

Motion:	Move to approve the corrected regular meeting minutes of August 3, 2010
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
Nays:	None
Abstain:	Craig Thurmond

- 5K. Consideration, possible approval of, and authorization to execute the City of Broken Arrow Youth Counseling Agreement

Councilor Norman left the room.

Motion:	Move to approve and authorize execution of the City of Broken Arrow Youth Counseling Agreement
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None
Recuse:	Jill Norman

Councilor Norman returned to the room following the vote.

- Q. Consideration of and possible approval of BACP 114, 1.70 acres, 1 lot, Level 2 to Level 6, one-quarter mile south of Kenosha Street 71st Street), one-quarter mile west of 9th Street Lynn Lane/177th East Avenue) at 710 East Elgin Place
- R. Consideration of and possible approval of BACP 115, 0.67 acres, I lot, Level 2 to Level 6, one-quarter mile south of Kenosha Street 71st Street), one- quarter mile west of 9th Street Lynn Lane/177th East Avenue) at 808 East Elgin Place
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- EE. Acceptance of Public Improvements for Park at Mission Hills
- FF. Approval of the Claims List
6. Consideration of Items Removed from Consent Agenda
- 5A. Approval of corrected regular meeting minutes of August 3, 2010
- Motion: Move to approve the corrected regular meeting minutes of August 3, 2010
- Motion b Wade McCaleb
- Second b Richard Carter
- Ayes: Jill Norman, Wade McCaleb, Richard Carter, Mike Lester
- Nays: None
- Abstain: Craig Thurmond
- 5K. Consideration, possible approval of, and authorization to execute the City of Broken Arrow Youth Counseling Agreement
- Councilor Norman left the room.
- Motion: Move to approve and authorize execution of the City of Broken Arrow Youth Counseling Agreement
- Motion b Richard Carter
- Second b Craig Thurmond

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

Nays: None

Recuse: Jill Norman

Councilor Norman returned to the room following the vote.

Broken Arrow City Council Page 2 of 6 September 7, 2010

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 approval of the final statement of cost of improvements to the stormwater systems in Steeple Chase Farms and Amended Glen Eagles Subdivisions including cost of engineering, advertising, legal, right of way, easements and other expenses.

Item Minutes: City Attorney Beth Anne Wilkening referenced the final statement of cost contained in the Fact Sheet provided in the agenda packet, adding that it was prepared by the City's Engineering Department. She requested that the Council approve this final statement of cost for improvements to these stormwater systems. She commented that the work was done in-house, recognizing significant cost savings for the residents in this community. Ms. Wilkening stated that the next step in this process is to present a legal notice at the next meeting and to hold a public hearing on the costs after the assessment roll has been filed.

Motion:	Move to approve and adopt the final statement of cost of improvements to the storm water systems in Steeple Chase Farms and Amended Glen Eagles Subdivisions
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. Consideration and possible approval of a request from the contractor for Main Street, Kenosha to El Paso, Mill and Overlay to work at night

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

Councilor McCaleb asked Mr. Wooden how many days the parking spaces in this area would be unavailable during this work. Mr. Wooden answered that there should not be any days that parking spaces would not be usable, with the possible exception of a few spaces needed by the contractor to park his equipment. Councilor McCaleb then asked about the noise level of the equipment to be used, and Mr. Wooden answered that it would be fairly loud, with the backup alarms alone being very invasive.

Councilor Norman asked if the contractor was guaranteeing to finish in five working days, and Mr. Wooden answered yes, that the five days is guaranteed and that it may in fact be completed in fewer days.

Mayor Lester asked if the residents would be notified, and Mr. Wooden answered that the residents will be notified, adding that the work will not begin until the 1st of October after the Homecoming Parade.

Vice-Mayor Thurmond commented that it took two to three days to mill a mile of Houston Street, and that this section of Main Street could be milled in one night. Mr. Wooden responded that there are some unusual corners and curves in this section, making it necessary to use a small milling machine in those areas.

Motion:	Move to approve the contractor's request as stated
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Consideration and possible approval of the Adopt-a-Corner Program Policy

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that paperwork for this program has been finalized and the Beautification Committee has been promoting this program heavily in the neighborhoods. He said the staff recommends approval and implementation of this item.

Councilor Norman asked if real estate signs would be removed under this program and Mr. Wooden answered that if they are in the right-of-way, they will be removed.

Vice-Mayor Thurmond asked for confirmation that volunteers would be educated as to where the right-of-ways lie, and Mr. Wooden confirmed that they would.

Motion:	Move to approve the Adopt-a-Corner Program Policy
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

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.

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Motion: Move to approve and adopt the final statement of cost of improvements to the storm water systems in Steeple Chase Farms and Amended Glen Eagles

Subdivisions

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

B. Consideration and possible approval of a request from the contractor for Main Street, Kenosha to El Paso, Mill and Overlay to work at night

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Motion: Move to approve the contractor's request as stated

Motion b Richard Carter

Second b Craig Thurmond

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

Nays: None

C. Consideration and possible approval of the Adopt-a-Corner Program Policy

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that paperwork for this program has been finalized and the Beautification Committee has been promoting this program heavily in the neighborhoods. He said the staff recommends approval and implementation of this item.

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Vice-Mayor Thurmond asked for confirmation that volunteers would be educated as to where the right-of-ways lie, and Mr. Wooden confirmed that they would.

Motion: Move to approve the Adopt-a-Corner Program Policy

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

Broken Arrow City Council Page 3 of 6 September 7, 2010

Mayor Lester thanked the Beautification Committee.

- D. Consideration and possible approval of nomination of Betty Gerber for reappointment to the Convention and Visitors Bureau

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that at this meeting Council is voting on nominations for individuals to the Convention and Visitors Bureau, and at the next meeting Council will vote on their appointments.

Motion:	Move to nominate Betty Gerber for reappointment to the Convention and Visitors Bureau
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- E. Consideration and possible approval of nomination of Mark Frie for reappointment to the Convention and Visitors Bureau

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

Motion:	Move to nominate Mark Frie for reappointment to the Convention and Visitors Bureau
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- F. Consideration and possible approval of nomination of Jeff Hewett for reappointment to the Convention and Visitors Bureau

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

Motion:	Move to nominate Jeff Hewett for reappointment to the Convention and Visitors Bureau
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: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet. City Manager Dave Wooden informed the Council that Channel 8 interviewed the Police Department about this item as part of news story about inattentive driving.

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

- A. An ordinance amending Chapter 23, Article II, Section 23-88, which pertains to Careless driving; failure to devote time and attention

12. Ordinances

Section Minutes: The Ordinances 12A, 12B, and 12C 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 adopt Ordinances 3121, 3122, and 3123
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester thanked the Beautification Committee.

D. Consideration and possible approval of nomination of Betty Gerber for reappointment to the Convention and Visitors Bureau

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that at this meeting Council is voting on nominations for individuals to the Convention and Visitors Bureau, and at the next meeting Council will vote on their appointments.

Motion: Move to nominate Betty Gerber for reappointment to the Convention and Visitors Bureau

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

E. Consideration and possible approval of nomination of Mark Frie for reappointment to the Convention and Visitors Bureau

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

Motion: Move to nominate Mark Frie for reappointment to the Convention and Visitors Bureau

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

F. Consideration and possible approval of nomination of Jeff Hewett for reappointment to the Convention and Visitors Bureau

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

Motion: Move to nominate Jeff Hewett for reappointment to the Convention and Visitors Bureau

Motion b Craig Thurmond

Second b 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: City Attorney Beth Anne Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet. City Manager Dave Wooden informed the Council that Channel 8 interviewed the Police Department about this item as part of news story about inattentive driving.

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

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

A. An ordinance amending Chapter 23, Article II, Section 23-88, which pertains to Careless driving; failure to devote time and attention

12. Ordinances

Section Minutes: The Ordinances 12A, 12B, and 12C 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 adopt Ordinances 3121, 3122, and 3123

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Broken Arrow City Council Page 4 of 6 September 7, 2010

Motion:	Move to adopt the emergency clause on Ordinances 3121, 3122, and 3123
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Adopt Ordinance no. 3121, the Land Subdivision Code, the first publication of the Land Subdivision Code as adopted by Ordinance No. 3121.
- B. Adopt Ordinance no. 3122, an ordinance amending Article II, Section 3.7 of the Broken Arrow Code, Alarms
- C. Adopt Ordinance no. 3123, 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

Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb asked City Manager Dave Wooden to confirm that the City will no longer send out renewal notices for alarm permits. Mr. Wooden confirmed that in order to cut costs the City will no longer mail out notices, but that a web-based notification package has been put together. Vice-Mayor Thurmond asked if all alarm permits expire on the same date, and Mr. Wooden confirmed that they do. Councilor McCaleb expressed concern that residents may miss the expiration notice on the web site, and Mr. Wooden said notification would also be made through the Focus publication and through the newspaper.

Vice-Mayor Thurmond expressed appreciation to the Boy Scout Troop that had an Eagle Project on August 27th, re-striping and cleaning up over two miles of the trail system. Councilor McCaleb added that the Adopt-a-Mile Program also does a great job keeping the trails clean.

At approximately 6:48 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion:	Move to recess into the Broken Arrow Municipal Authority followed by the Broken Arrow Economic Development Authority meeting.
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester reconvened the regular Council meeting at approximately 6:49 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.

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

Mayor Lester reconvened the regular session of the City Council meeting at approximately 6:54 p.m.

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

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing the potential purchase and appraisal of real property located in the vicinity of Albany and Elm Place within the City of Broken Arrow for a conference center and taking appropriate action in open session, under 25 O.S. §307(B)(3); litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow v. David A. Center, et al., Tulsa County District Court Case Number CJ-2007-07888; and City of Broken Arrow, Oklahoma v. Kenco Properties, L.L.C., et al., Tulsa County District Court Case Number CJ-2009-990, 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 7:12 p.m., and the room was opened for those in attendance.

Motion:	Move to authorize the City Attorney to settle the case of City of Broken Arrow v. Center for the sum of \$117,000.00, final offer
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion: Move to adopt the emergency clause on Ordinances 3121, 3122, and 3123

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

A. Adopt Ordinance no. 3121, the Land Subdivision Code, the first publication of the Land Subdivision Code as adopted by Ordinance No. 3121.

B. Adopt Ordinance no. 3122, an ordinance amending Article II, Section 3.7 of the Broken Arrow Code, Alarms

C. Adopt Ordinance no. 3123, 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

Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb asked City Manager Dave Wooden to confirm that the City will no longer send out renewal notices for alarm permits. Mr. Wooden confirmed that in order to cut costs the City will no longer mail out notices, but that a web-based notification package has been put together. Vice-Mayor Thurmond asked if all alarm permits expire on the same date, and Mr. Wooden confirmed that they do. Councilor McCaleb expressed concern that residents may miss the expiration notice on the web site, and Mr. Wooden said notification would also be made through the Focus publication and through the newspaper.

Vice-Mayor Thurmond expressed appreciation to the Boy Scout Troop that had an Eagle Project on August 27th, re-striping and cleaning up over two miles of the trail system. Councilor McCaleb added that the Adopt-a-Mile Program also does a great job keeping the trails clean.

At approximately 6:48 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion: Move to recess into the Broken Arrow Municipal Authority followed by the Broken Arrow Economic Development Authority meeting.

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

Mayor Lester reconvened the regular Council meeting at approximately 6:49 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.

Motion: Move to take a recess prior to entering into Executive Session

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Mayor Lester reconvened the regular session of the City Council meeting at approximately 6:54 p.m.

Motion: Move to enter into Executive Session

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing the potential purchase and appraisal of real property located in the vicinity of Albany and Elm Place within the City of Broken Arrow for a conference center and taking appropriate action in open session, under 25 O.S. 307(B)(3); litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow v. David A. Center, et al., Tulsa County District Court Case Number CJ-2007-07888; and City of Broken Arrow, Oklahoma v. Kenco Properties, L.L.C., et al., Tulsa County District Court Case Number CJ-2009-990, 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 7:12 p.m., and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to settle the case of City of Broken Arrow v. Center for the sum of \$117,000.00, final offer

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

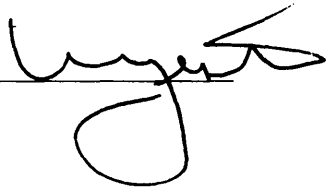
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Motion:	Move to authorize the City Attorney to settle the case of City of Broken Arrow v. Kenco, et al, with Lamar for the sum of \$15,000.00
Motion by:	Craig Thurmond
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

15. **Adjournment**

Section Minutes: The meeting adjourned at approximately 7:13 p.m.

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


 Mayor

Attest:

 City Clerk



Motion: Move to authorize the City Attorney to settle the case of City of Broken Arrow v. Kenco, et at, with Lamar for the sum of \$15,000.00

Motion b Craig Thurmond

Second b Wade McCaleb

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:13 p.m.

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Richard Carter

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

Nays: None

Attest:

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