

**BROKEN ARROW CITY COUNCIL MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
December 21, 2010
6:30 PM**

Call to Order

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

2. Invocation

Section Minutes: The invocation was delivered by Joe Cook of Hope Church.

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: 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 be removed from the Consent Agenda. There being none, he asked for a motion.

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

- A. Approval of regular meeting minutes of December 7, 2010
- B. Acceptance of the minutes of the Planning Commission meeting held November 18, 2010
- C. Ratification of Proclamations presented as part of the annual Angel Bear program presentations to businesses and individuals in recognition of their community service
- D. Approve and authorize execution of the contract with JPMorgan Chase for Purchase Cards
- E. Consideration of and possible approval of Resolution No. 682, a Resolution authorizing the City Attorney to sign, execute and file the Agreed Journal Entry of Judgment in The City of Broken Arrow, a Municipal Corporation v. Quapaw Investments, L.L.C., an Oklahoma Limited Liability Company, et al, Tulsa County District Court Case Number CV-2010-00810 for the Condemnation of Property located in the Southwest Quarter of the Southwest Quarter of Section Twenty-Seven (27), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma (Aspen Avenue Widening - North Florence to New Orleans)
- F. Consideration and possible approval of Resolution No. 683, a Resolution authorizing the City Attorney to agree to Entry of Judgment in the case of the City of Broken Arrow v. David A. Center and Lorri S. Center, et al., Tulsa County District Court Case Number CJ-2007-7888; and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry, for the Court's approval
- G. Approval of BAZ 1861, 0.43 acres, CN to CH, southwest corner of Main Street and Kenosha Street (71st Street)
- H. Approval of BAZ 1862, 0.78 acres, A-RE to RS-2, one-quarter mile west of 9th Street (Lynn Lane/177th East Avenue), north of Florence Street (111th Street)
- I. Approval of PUD 137A, Creekridge Park, 0.84 acres, one-third mile north of Houston Street (81st Street), east of Aspen Avenue (145th Street)

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Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. There being none, he asked for a motion.

Motion: Move to approve the Consent Agenda as presented

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

A. Approval of regular meeting minutes of December 7, 2010

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C. Ratification of Proclamations presented as part of the annual Angel Bear program presentations to businesses and individuals in recognition of their community service

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G. Approval of BAZ 1861, 0.43 acres, CN to CH, southwest corner of Main Street and Kenosha Street 71st Street)

H. Approval of BAZ 1862, 0.78 acres, A-RE to RS-2, one-quarter mile west of 9th Street Lynn Lane/177th East Avenue), north of Florence Street 111th Street)

I. Approval of PUD 137A, CreekrIDGE Park, 0.84 acres, one-third mile north of Houston Street 81st Street), east of Aspen Avenue 145th Street)

Broken Arrow City Council Page 1 of 7 December 21, 2010

- J. Approval of PUD 207 and BAZ 1860, Hillside Plaza, 19.58 acres (PUD 207), 0.18 acres (BAZ 1860), north of the Broken Arrow Expressway (Highway 51), west of 9th Street (Lynn Lane/177th East Avenue)
- K. Approval of PUD 208, McDonald's, 1.34 acres, east of the northeast corner of Albany Street (61st Street) and 9th Street (Lynn Lane/177th East Avenue)
- L. Approval of SP 218A, Tulsa Technology Broken Arrow Campus Entrance Signs, 52.94 acres, 1 lot, A-1, northwest corner of Olive Avenue (129th East Avenue) and Florence Street (111th Street)
- M. Approval of SP 245, Arrowhead Elementary School, 7.6 acres, 1 lot, R-1 and R-2, one-third mile west of Elm Place (161st East Avenue), one-third mile north of Kenosha Street (71st Street), at 915 West Norman Street
- N. Approval of SP 246, Leisure Park Elementary School, 8.6 acres, 1 lot, R-2, located one-half mile west of Elm Place (161st East Avenue), one-half mile north of Florence Street (111th Street), at 4300 South Juniper Avenue
- O. Approval of SP 247, Lynn Wood Elementary School, 8.4 acres, 1 lot, R-3, one-half mile east of Aspen Avenue (145th Street), one-half mile north of Washington Street (91st Street), at 1600 West Quincy Avenue
- P. Approval of SP 248, Oak Crest Elementary School, 6.7 acres, 1 lot, R-2, one-third mile north of Washington Street (91st Street), one-half mile west of 9th Street (Lynn Lane/177th East Avenue), at 405 East Richmond Street
- Q. Approval of SP 249, Rhoades Elementary School, 6.1 acres, 1 lot, R-3, about one-eighth mile south of Kenosha Street (71st Street), one-third mile west of 9th Street (177th East Avenue, Lynn Lane), at 320 East Midway Street
- R. Approval of SP 250, Earnest Childers Middle School and Spring Creek Elementary School, 40 acres (gross), 2 lots, A-1, South of Tucson Street (121st Street), one-third mile west of 9th Street (Lynn Lane/177th East Avenue) at 6801 South Third Street (Spring Creek Elementary School) and 301 East Tucson Street (Earnest Childers Middle School)
- S. Approval of SP 251, Vandever Elementary School, 15.4 acres, 1 lot, R-1, one-half mile west of Elm Place (161st East Avenue), one-half mile south of Washington Street (91st Street), at 2200 South Lions Street
- T. Approval of SP 252, Liberty Elementary School, 10.2 acres, 1 lot, R-1, west of 37th Street (209th East Avenue), approximately one-quarter mile south of Dearborn Street (41st Street) at 4300 South 209th East Avenue
- U. Acceptance of a Deed of Dedication located on the northeast corner of Elm Place (161st E. Avenue) and Albany Street (61st Street) from Paul Abbott, Business Manager for First Baptist Church of Broken Arrow (S35 T19N R14E)
- V. Acceptance of a Deed of Dedication located approximately one half mile south of Omaha Street (51st Street) and east of Aspen Avenue (145th Avenue) from The Greens at Battle Creek, An Arkansas Limited Partnership (S34 T19N R14E)(PUD-94Q)
- W. Acceptance of a Drainage Easement and Deed of Dedication located approximately one half mile south of Omaha Street (51st Street) and east of Aspen Avenue (145th Avenue) from REIP, L.L.C., an Oklahoma Limited Liability Company (S34 T19N R14E)
- X. Acceptance of a General Warranty Deed, a Utility Easement and a Temporary Construction Easement located approximately 3,000 feet South and 65 feet West of the intersection of East Omaha St (E 51st St) and 37th St (209th E Ave) from New Bedford Park, LLC (S31 T19N R15E) (Project: Adams Creek NW Sewer Improvements Phase 1 #S.0405)
- Y. Acceptance of a Utility Easement located approximately one quarter mile south of Houston Street (81st Street) and west of Olive Ave (129th Ave) from Gary Blevins, pastor of New Creation Church Inc. (S17 T18N R14E) (BAL 990)
- Z. Acceptance of a Utility Easement and Deed of Dedication located approximately one quarter mile south of Florence (111th Street) and west of 209th Ave from Cecil E and Carolyn M Kusler (S31 T18N R15E)
- AA. Acceptance of an Utility Easement and a Temporary Construction Easement located approximately 1,430 feet South and 2,600 feet West of the intersection of East Omaha St (E 51st St) and North 37th St (209th E Ave) from New Bedford Lakes, LLC (S31 T19N R15E) (Project: Adams Creek NW Sewer Improvements Phase 1 #S.0405)
- BB. Approval of Final Acceptance for the Public Improvement at CVS Pharmacy #4896
- CC. Approval of the Claims List

- J. Approval of PUD 207 and BAZ 1860, Hillside Plaza, 19.58 acres PUD 207), 0.18 acres BAZ 1860), north of the Broken Arrow Expressway Highway 51), west of 9th Street Lynn Lane/177th East Avenue)
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6. Consideration of Items Removed from Consent Agenda

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

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

Section Minutes: There were no public hearings, appeals, recognitions, 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. Discussion of proposed projects for a General Obligation Bond Issue vote in CY 2011 and the potential date of the election

Item Minutes: City Manager Dave Wooden presented an update on the proposed general obligation bond issue. He mentioned that staff and City Councilors have been meeting with various wards within the city, and that final approval of bond projects will be on the 4th of January. Mr. Wooden stated that the bond issue will be limited to four years and total funding available will be 49.6 million dollars; after an adjustment for the 2008 bond issue which needs to be sold, the total available for the proposed 2011 calendar year bond issue will be 44.7 million dollars. He then reviewed the general obligation bond program rules: the City must program seventy percent of the amount on the face of the bond; programming requires that specific projects be identified with minimum funding specified for each project; and funds voted for a specific category of projects must be used for that category. Mr. Wooden then detailed the proposed project funding by category: 10 million dollars for Public Safety, 5.4 million dollars for Parks and Quality of Life, 2.3 million dollars for Stormwater, and 27 million dollars for Streets. He also stated the amount of funding that must be programmed by category: 7 million dollars for Public Safety, 3.8 million for Parks and Quality of Life, 1.7 million for Stormwater, and 19 million for Streets. Mr. Wooden stated that this bond issue is set up so that there will not be any increase in the property taxes of the citizens of Broken Arrow, assuming that property taxes stay at their current levels and that all the City is doing is infilling behind bonds that are being paid off on those time frames.

Mr. Wooden then described the first proposed Public Safety project, the conversion of the Reserve Center, stating the factual information as contained in the Fact Sheet provided in the agenda packet. He added that the City has the opportunity to acquire this property valued at 16.9 million dollars at no cost if it's used for Public Safety. He said the current building structure will meet the City's needs for the next 20 years and the 11 acres provides opportunity for future expansion as needed. Mr. Wooden described this as a very good project, providing the City with its first opportunity to have a Public Safety Complex housing Police, Fire, and Emergency Services at a single location.

Next, Mr. Wooden described the second proposed Public Safety project, a replacement for Fire Station Number 3. In addition to the factual information as contained in the Fact Sheet provided in the agenda packet, he mentioned that a replacement for Fire Station Number 2 is currently under construction and said both of these stations are too small with bays that are too small to handle modern equipment. He said Fire Station Number 3 also has no opportunity for expansion due to small living quarters, but the proposed replacement station will accommodate at least 9 people and at least 3 different pieces of apparatus. Mr. Wooden then summarized the remaining projects, referring to the factual information as contained in the Fact Sheet provided in the agenda packet.

Mr. Wooden then described the coordination up to this point on this bond issue: public meetings in all four wards, public meetings with the Chamber of Commerce and other entities, coordination with the School Superintendent to ensure proposed projects support the multi-year bond issue, two meetings with Build a Better Broken Arrow, four City Council meetings, and briefings for Civic groups. He also detailed the bond issue follow-up actions: staff recommends that the Council approve the proposed bond projects on January 4, 2011; staff will provide bond information to the Build a Better Broken Arrow team on January 10, 2011; a City staff speaker's bureau will be available beginning January 10, 2011 to provide technical information on the proposals; briefings for civic groups will begin January 10, 2011, and the call for an election is scheduled for February 1, 2011 with the election tentatively scheduled for April 5, 2011. Mr. Wooden then offered to answer questions.

Councilor McCaleb mentioned that at the at-large town hall meeting, Mr. Wooden had stated that the maintenance facility would be taken out, providing additional funds; he asked where those funds were placed. Mr. Wooden answered that they were divided between Public Safety, Parks, and Stormwater. Councilor McCaleb also asked Mr. Wooden if there was any provision for neighborhoods with concrete streets; Mr. Wooden responded that Staff is currently working on a procedure to repair concrete streets and the next bond issue will have the first concrete streets to come into the system. Councilor McCaleb asked if it would be at least four years, and Mr. Wooden confirmed this. Councilor McCaleb then asked if there was any money available for concrete street repair, and Mr. Wooden answered that \$200,000 is available for major road repair, and the City patches concrete streets throughout the year. Councilor McCaleb asked what percentage of the city's streets were concrete; and Mr. Wooden answered that the vast majority of the subdivisions have asphalt streets. Vice-Mayor Thurmond suggested that less than five percent of neighborhood streets are concrete. In response to a query from Councilor McCaleb, Mr. Wooden stated that several

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concrete repair projects are currently under way in various neighborhoods, and that in 2012 discussion will occur about how best to repair the concrete streets in subdivisions.

Motion:	Move to place the final project selection recommendation on the January 4, 2011 City Council meeting
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. Consideration of and possible approval of the establishment of an Economic Development Coordinator Position in the City Manager's Office

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, highlighting the necessity and the benefits of the Economic Development Coordinator position. He then offered to answer questions.

Councilor McCaleb commented that having an Economic Development Coordinator on a part-time basis has made a world of difference, providing more information about economic development issues and troubleshooting problems before they occur.

Motion:	Move to approve the establishment of an Economic Development Coordinator position in the City Manager's office and authorize the City Manager to fill this position
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 of 9th Street (Lynn Lane) closure south of Washington Street (91st St. S.) for construction of a drainage structure

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet. Mayor Lester asked how this construction might be affected by bad weather; Mr. Wooden answered that once the prefabricated box is installed and overlaid with gravel, the road can be opened for use until weather allows the construction to be completed. Councilor Norman asked for confirmation that if the construction extends beyond one week, the street would be re-opened to traffic with the gravel, and Mr. Wooden confirmed this.

Motion:	Move to approve the closure of 9th Street between Washington Street and New Orleans Street to through traffic for a period of one week for replacement of the drainage structure
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- D. Approval of nomination of reappointments of two representatives and one alternate representative to the Indian Nations Council of Governments (INCOG) Board of Directors and one representative and one alternate to the General Assembly, each for a two-year term beginning in January 2011

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that based on past history Staff recommends the nominations of Mayor Mike Lester and Councilor Richard Carter as representatives to the Indian Nations Council of Governments (INCOG) Board of Directors, Mayor Lester as the representative to the General Assembly, and himself as the alternate to both bodies.

Motion:	Move to approve the nominations of Mayor Mike Lester and Councilor Richard Carter to the Indian Nations Council of Governments Board of Directors, Mayor Mike Lester as representative to the Indian Nations Council of Governments General Assembly, and Dave Wooden as alternate representative to the Board of Directors and General Assembly
Motion by:	Craig Thurmond
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Craig Thurmond
Nays:	None
Abstain:	Richard Carter, Mike Lester

concrete repair projects are currently under way in various neighborhoods, and that in 2012 discussion will occur about how best to repair the concrete streets in subdivisions.

Motion: Move to place the final project selection recommendation on the January 4,

2011 City Council meeting

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

B. Consideration of and possible approval of the establishment of an Economic Development Coordinator Position in the City Manager's Office

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Motion: Move to approve the establishment of an Economic Development Coordinator

position in the City Manager's office and authorize the City Manager to fill this

position

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 of 9th Street (Lynn Lane) closure south of Washington Street (91st St. S.) for construction of a drainage structure

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Motion: Move to approve the closure of 91st Street between Washington Street and New

Orleans Street to through traffic for a period of one week for replacement of the

drains a structure

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

D. Approval of nomination of reappointments of two representatives and one alternate representative to the Indian Nations Council of Governments (INCOG) Board of Directors and one representative and one alternate to the General Assembly, each for a two-year term beginning in January 2011

Item Minutes: City Manager Dave Wooden stated the factual information as contained in the Fact Sheet provided in the agenda packet, adding that based on past history Staff recommends the nominations of Mayor Mike Lester and Councilor Richard Carter as representatives to the Indian Nations Council of Governments (INCOG) Board of Directors, Mayor Lester as the representative to the General Assembly, and himself as the alternate to both bodies.

Motion: Move to approve the nominations of Mayor Mike Lester and Councilor Richard

Carter to the Indian Nations Council of Governments Board of Directors, Mayor

Mike Lester as representative to the Indian Nations Council of Governments

General Assembly, and Dave Wooden as alternate representative to the Board of

Directors and General Assembly

Motion b Craig Thurmond

Second b Wade McCaleb

Ayes: Jill Norman, Wade McCaleb, Craig Thurmond

Nays: None

Abstain: Richard Carter, Mike Lester
Broken Arrow City Council Page 4 of 7 December 21, 2010

10. City Manager’s Report

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

Preview Ordinances

- A. An Ordinance amending the Building Code, Chapter 6, Article IV. Electrical Code, Article V. Plumbing Code, Article VII. Mechanical Code and Article XI. Building Permit Fees and Charges; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Item Minutes: Director of Development Services Michael Skates introduced this ordinance as one which will remove the charges for journeymen and apprentices and increase the trade contractor registration fee from \$125 to \$150. He referred to the Fact Sheet provided in the agenda packet, adding that this ordinance is a result of his department working closely with the different trade contractors in the City in an effort to foster better relations and improve the processes of permitting, licensing, inspections, and training. He then offered to answer any questions.

Councilor McCaleb questioned City Manager Dave Wooden about a request he had made for information comparing the fees charged by the City to those charged by other cities; Mr. Wooden responded that his office is still working on that as well as on the request for information regarding the amount of escrow required in order to work in the City.

Motion:	Move to preview the ordinance revisions and set for adoption
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

12. Ordinances

- A. Adoption of Ordinance No. 3141 An ordinance amending Chapter 4, Article V, Section 4-86 of the Broken Arrow Code pertaining to Transporting Low-Point Beer in Opened Containers; possession in public places; repealing all ordinances to the contrary; and declaring an emergency.

Item Minutes: City Manager Dave Wooden said both of these items were previously previewed and refer to the consumption of liquor within the City. He said the first item contains the addition of an entertainment district which will be defined by the City Council, and the second item allows drinking at specific functions within the city by permit. Mr. Wooden then referred to the final line of subparagraph “d” in the Fact Sheet provided in the agenda packet, which reads “The city manager will designate a representative to approve such permits”. He said an alternative of “The city manager will approve or disapprove such permits” has been suggested, under which the City manager would consult with the City Council. He also said one councilor would like that statement to read “The City Council will approve such permits”. Stating that the Staff can live with either decision, Mr. Wooden recommended that both of these items be approved with any changes the Council would like to make to them. He then offered to answer any questions.

Councilor McCaleb stated that he was the councilor that preferred the ordinance to state that the Council will approve such permits, adding that he’s always objected to delegating that responsibility to anyone but the Council.

Mayor Lester stated that from his perspective, City staff has been given the authority and duty to handle the day-to-day activities of the City, and this issue would fall under that authority. He added that the Council has overview of the City Manager’s activities, and said he has enough confidence that the City Manager will do those things correctly. He added that it would put the Council in the position of running the City day-to-day, and he doesn’t think the Council should be in that position.

Councilor Carter said he agrees with the Mayor’s concept, adding that the Council used to have to approve all the nuisance actions, requiring a delay until the next Council meeting to get things approved, and the same issue would apply here. He said he trusts the City Manager, who still falls under the Council’s jurisdiction, to make a wise decision. He noted that the City Manager will be here every day, while the Council will not, and he would like to see this decision left in his hands.

Vice-Mayor Thurmond agreed, stating that he doesn’t think the Council should be involved in the day-to-day operations of the City. He said he has faith in the City Manger and thinks he’ll make wise decisions.

Councilor McCaleb added that it’s not that he doesn’t have faith in the City Manager, but feels that there are so many problems that can occur with alcohol in the City parks he wants to be sure the Council has all the safeguards built in for any events.

10. City Manager's Report

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

Preview Ordinances

A. An Ordinance amending the Building Code, Chapter 6, Article IV. Electrical Code, Article V. Plumbing Code, Article VII. Mechanical Code and Article XI. Building Permit Fees and Charges; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

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Councilor McCaleb questioned City Manager Dave Wooden about a request he had made for information comparing the fees charged by the City to those charged by other cities; Mr. Wooden responded that his office is still working on that as well as on the request for information regarding the amount of escrow required in order to work in the City.

Motion: Move to preview the ordinance revisions and set for adoption

Motion b Jill Norman

Second b Richard Carter

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

Nays: None

12. Ordinances

A. Adoption of Ordinance No. 3141 An ordinance amending Chapter 4, Article V, Section 4-86 of the Broken Arrow Code pertaining to Transporting Low-Point Beer in Opened Containers; possession in public places; repealing all ordinances to the contrary; and declaring an emergency.

Item Minutes: City Manager Dave Wooden said both of these items were previously previewed and refer to the consumption of liquor within the City. He said the first item contains the addition of an entertainment district which will be defined by the City Council, and the second item allows drinking at specific functions within the city by permit. Mr. Wooden then referred to the final line of subparagraph d" in the Fact Sheet provided in the agenda packet, which reads The city manager will designate a representative to approve such permits". He said an alternative of The city manager will approve or disapprove such permits" has been suggested, under which the City manager would consult with the City Council. He also said one councilor would like that statement to read The City Council will approve such permits". Stating that the Staff can live with either decision, Mr. Wooden recommended that both of these items be approved with any changes the Council would like to make to them. He then offered to answer any questions.

Councilor McCaleb stated that he was the councilor that preferred the ordinance to state that the Council will approve such permits, adding that he's always objected to delegating that responsibility to anyone but the Council.

Mayor Lester stated that from his perspective, City staff has been given the authority and duty to handle the day-to-day activities of the City, and this issue would fall under that authority. He added that the Council has overview of the City Manager's activities, and said he has enough confidence that the City Manager will do those things correctly. He added that it would put the Council in the position of running the City day-to-day, and he doesn't think the Council should be in that position.

Councilor Carter said he agrees with the Mayor's concept, adding that the Council used to have to approve all the nuisance actions, requiring a delay until the next Council meeting to get things approved, and the same issue would apply here. He said he trusts the City Manager, who still falls under the Council's jurisdiction, to make a wise decision. He noted that the City Manager will be here every day, while the Council will not, and he would like to see this decision left in his hands.

Vice-Mayor Thurmond agreed, stating that he doesn't think the Council should be involved in the day-to-day operations of the City. He said he has faith in the City Manger and thinks he'll make wise decisions.

Councilor McCaleb added that it's not that he doesn't have faith in the City Manager, but feels that there are so many problems that can occur with alcohol in the City parks he wants to be sure the Council has all the safeguards built in for any events.

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Vice-Mayor Thurmond expressed confidence that the City Manager will follow guidelines established by the Council.

Motion:	Move to change Ordinance 3141 subparagraph “d” from “the city manager will designate a representative to approve such permits” to “the city manager will approve such permits” and bring it back for adoption
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	Wade McCaleb

- B. Adoption of Ordinance No. 3142 An ordinance amending Chapter 4, Article II, Section 4-13 of the Broken Arrow Code pertaining to Transporting Alcoholic Beverages in Opened Containers; Possession in Public Places; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Councilor McCaleb asked if this item pertained to the Entertainment District, to which he is not opposed. Mr. Wooden answered that the Entertainment District is in both items, but one pertains to liquor and the other to low-point beer.

Motion:	Move to bring Ordinance 3142 back for adoption at the next Council meeting with the change in subparagraph “d” that the city manager will approve such permits
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Adoption of Ordinance No. 3143 An ordinance amending Chapter 2, Article I, Section 2-12, which pertains to Maintenance bonds required on public property improvements; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: City Manager Dave Wooden said this item, previously previewed by the Council, changes the maintenance bond from a period of three years to a period of one year, adding that the City has never collected on a bond older than the industry standard of one year.

Motion:	Move to adopt Ordinance 3143
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to approve the Emergency Clause on Ordinance 3143
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.

At approximately 7:18 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:	Craig Thurmond
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Vice-Mayor Thurmond expressed confidence that the City Manager will follow guidelines established by the Council.

Motion: Move to change Ordinance 3141 subparagraph d" from the city manager will designate a representative to approve such permits" to the city manager will approve such permits" and bring it back for adoption

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: Wade McCaleb

B. Adoption of Ordinance No. 3142 An ordinance amending Chapter 4, Article II, Section 4-13 of the Broken Arrow Code pertaining to Transporting Alcoholic Beverages in Opened Containers; Possession in Public Places; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Councilor McCaleb asked if this item pertained to the Entertainment District, to which he is not opposed: r.

Wooden answered that the Entertainment District is in both items, but one pertains to liquor and the other to low-point beer.

Motion: Move to bring Ordinance 3142 back for adoption at the next Council meeting with the change in subparagraph d" that the city manager will approve such permits

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

C. Adoption of Ordinance No. 3143 An ordinance amending Chapter 2, Article I, Section 2-12, which pertains to Maintenance bonds required on public property improvements; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: City Manager Dave Wooden said this item, previously previewed by the Council, changes the maintenance bond from a period of three years to a period of one year, adding that the City has never collected on a bond older than the industry standard of one year.

Motion: Move to adopt Ordinance 3143

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

Motion: Move to approve the Emergency Clause on Ordinance 3143

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.

At approximately 7:18 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 Crai Thurmond

Second b Wade McCaleb

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

Nays: None

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Mayor Lester reconvened the regular Council meeting at approximately 7:23 p.m.

Mayor Lester then 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:	Craig Thurmond
Second by:	Jill Norman
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 7:44 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 negotiations concerning the IAFF employee group under 25 O.S. § 307(B)(2) and taking appropriate action in open session; and pending litigation and offers of settlement and taking appropriate action in open session in 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

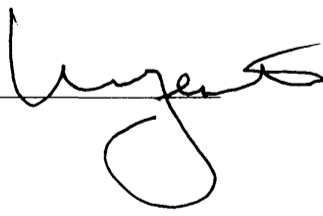
Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:44 p.m., and the room was opened for those in attendance.

Motion:	Move to authorize the City Attorney to settle the case with Kenco in of City of Broken Arrow v. Kenco et al in the amount of \$120,000
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

15. **Adjournment**

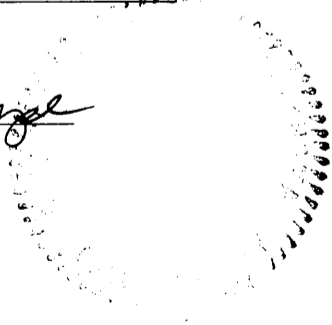
Section Minutes: The meeting adjourned at approximately 7:44 p.m.

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

Mayor 

Attest:

City Clerk



Mayor Lester reconvened the regular Council meeting at approximately 7:23 p.m.

Mayor Lester then 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 Craig Thurmond

Second b Jill Norman

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 7:44 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 negotiations concerning the IAFF employee group under 25 O.S. 307(B)(2) and taking appropriate action in open session; and pending litigation and offers of settlement and taking appropriate action in open session in 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 7:44 p.m., and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to settle the case with Kenco in of City of

Broken Arrow v. Kenco et al in the amount of \$120,000

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

15. Adjournment

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

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

Attest:

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