

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
April 7, 2009
6:30 PM**

1. Call to Order

Section Minutes: Mayor McCaleb called the meeting to order at 6:35 p.m.

2. Invocation

Section Minutes: Pastor Danny Burton of Christ Ministries delivered the Invocation.

3. Roll Call

Present:	Craig Thurmond, Philip Tucker, Richard Carter, Wade McCaleb and Mike Lester
Absent:	None

Councilman Carter had to leave the meeting early and left after the Executive Session.

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Section Minutes: Vice Mayor Lester asked that Item 5H be removed from the Consent Agenda for discussion. There being no other items to remove from the Consent Agenda, Mayor McCaleb asked for a motion.

- A. Approval of the regular meeting minutes of March 17, 2009
- B. Acceptance of the minutes of the Planning Commission meeting held March 12, 2009
- C. Approval and authorization to execute a Proclamation declaring the City of Broken Arrow's participation in the National League of Cities (NLC) Prescription Discount Card Program
- D. Approval of and authorization to execute a Proclamation recognizing Broken Arrow's Annual Senior Celebration Week during April 20-24, 2009
- E. Approval and authorization to execute Budget Amendment Number 10 for Fiscal Year 2008-2009
- F. Authorization for the City Manager, or his designee, to perform the closing on a 15-acre tract of land according to the terms of the Option to Purchase Contract

- G. Authorization for the City Manager, or his designee, to perform the closing on a 70-Acre tract of land according to the terms of the Option to Purchase Contract
- H. Consideration and possible action on donation of funds by the community to the City of Broken Arrow which would allow employee travel for training
- I. Approval of and authorization to execute Resolution #577 Approving Participation in the Metropolitan Tulsa Home Consortium and Authorizing the Mayor to Execute a Home Investment Partnership Act Consortium Agreement
- J. Approval of and authorization to execute a Letter of Understanding between the City of Broken Arrow and ConocoPhillips Pipeline Company
- K. Approval of and authorization for use of TRACVIEW by the Records Division of the Broken Arrow Police Department
- L. Approval of sole source purchase of communications equipment upgrades
- M. Approval of and authorization to purchase of Public Safety Mobile Data System
- N. Approval of bids received and award of the most advantageous to Becco Contractors for construction of Fairway Park Regional Detention Facility Revision Phase I
- O. Approval of bids received and award of the most advantageous bid for a road repair machine
- P. Approval of PUD 198 and BAZ 1826, 5.48 acres, CN, RM, ON/PUD-31E, 660 feet east of Aspen Avenue (145th East Avenue), north of Houston Street (81st Street)
- Q. Approval of PUD 200, Fairfield Farms II, 11.68 acres, CH/IL/PUD 44 and R-1 (CH/BAZ 1754), south of Southwest Expressway Drive, one-half mile east of Aspen Avenue (145th East Avenue)
- R. Acceptance of a General Warranty Deed from Linda J. Friggel (S14 T18N R14E) (Project: ST0535)
- S. Acceptance of a General Warranty Deed from Jim and Britni Husband (S24 T18N R14E) (Project: ST0528 New Orleans 9th to 23rd)
- T. Acceptance of a Detention Easement, Overland Drainage Easement and a Utility Easement from Ronald E. Smith Trust (S4 T18N R14E) (Project: Kenosha Landing)
- U. Acceptance of a Utility Easement, Overland Drainage Easement and a Mutual Access Easement from Ronald E. Smith Trust (S4 T18N R14E) (Project: Kenosha Landing)
- V. Acceptance of a Utility Easement from Ronald E. Smith Trust (S4 T18N R14E) (Project: Kenosha Landing)
- W. Acceptance of a Utility Easement 1.A from Perkins & Brown Development LLC (S35 T19N T14E) (Project: Elm pl Ext, FAA Site to Omaha)
- X. Acceptance of a Utility Easement 2.A from Perkins&Brown Development LLC (S35 T19N R14E) (Project: Elm Pl Ext FAA Site to Omaha)

- Y. Acceptance of a Utility Easement 3.A from Perkins&Brown Development LLC (S34 T19N R14E)(Project: Elm Pl Ext FAA Site to Omaha)
- Z. Acceptance of a Utility Easement 4.A from Perkins&Brown Development LLC
- AA. Approval of Final Acceptance Public Improvements for Aspen Pond
- BB.Approval of the Claims List

Motion:	Move to approve the Consent Agenda except for Item 5H
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Mike Lester, Richard Carter, Craig Thurmond, Philip Tucker, Wade McCaleb
Nays:	None

6. Consideration of Items Removed from Consent Agenda

Section Minutes: Item 5H was removed from the Consent Agenda for discussion.

5H. Consideration and possible action on donation of funds by the community to the City of Broken Arrow which would allow employee travel for training

Item Minutes: Vice-Mayor Lester said that he requested this matter be placed on tonight's Council Agenda for discussion. He said there is some community interest in donating funds to the City to allow employees to attend state and national conferences. City Attorney, Ms. Beth Anne Wilkening, explained that if Council wished to receive donated monies from the public for travel purposes, the Character Counts Policy would need to be amended because portions of these policies had been codified. She added that other State competitive bidding laws regarding the receipt of funds from past, present or future vendors had to be reviewed as well. Councilman Tucker asked what Character Counts policy would be impacted. Ms. Wilkening said that one current restriction set out in the Character Counts policy prohibits individual employees from accepting donations from vendors. Councilman Tucker said the donation for travel was not to an individual employee but to the City, such as to the general fund. Ms. Wilkening agreed and recommended the matter be clarified in the ordinance. She asked Tom Caldwell, Finance Director, if there were any problem with designating funds. Ms. Wilkening indicated for the record that Mr. Caldwell shook his head to indicate there was not.

Vice Mayor Lester moved to direct the city attorney to make the appropriate changes to the ordinance and to bring back to Council at the next meeting.

Motion:	Move to direct the City Attorney to make the appropriate changes to the ordinance and bring back to Council at the next meeting.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Mike Lester, Richard Carter, Craig Thurmond, Philip Tucker, Wade McCaleb
Nays:	None

The Mayor said he would take Item 7B next if there were no objections. There were none.

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

- A. Public Hearing: A public hearing on improvements to the waterline and water system improvements along 140th East Avenue from Florence Street extending approximately 1/2 mile south, including a review of written protests and consideration of oral protests, and Council determination of the sufficiency or insufficiency of the same

Item Minutes: At approximately 7:08 p.m., Mayor McCaleb announced that the public hearing was now open regarding the improvements to the waterline and water system improvements along 140th East Avenue from Florence Street extending approximately 1/2 mile south, including a review of written protests and consideration of oral protests, and Council determination of the sufficiency or insufficiency of the same.

Mayor McCaleb announced a second time that the public hearing was open and asked if there was anyone present to speak.

Mayor McCaleb said he was declaring the public hearing open for the third time, and asked if there was anyone present to speak.

Hearing no response to the calls, Mayor McCaleb announced that no one came forward to speak and declared the public meeting closed at approximately 7:12 p.m.

At this time, the Mayor asked for a Motion to take Item 14, Executive Session as the next Item.

Motion:	Move to take Item 14, Executive Session as the next item for discussion.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Craig Thurmond, Philip Tucker, Richard Carter, Wade McCaleb
Nays:	None

Motion:	Move to take a brief recess in order to clear the room prior to entering into Executive Session
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Mike Lester, Craig Thurmond, Philip Tucker, Richard Carter, Wade McCaleb
Nays:	None

Mayor McCaleb reconvened the regular meeting at the noted time of 7:13 p.m.

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

Section Minutes: See Item 14 below.

- B. Proclamation - Approval of and authorization to execute a Proclamation declaring the week of April 12-18, 2009 as "National Public Safety Telecommunicators Week"

Item Minutes: Mayor McCaleb asked for a motion to approve and authorize execution of this Proclamation. He read the Proclamation aloud and presented it to Chief Todd Wuestwald, Broken Arrow Police Department.

Motion:	Move to approve and authorize execution of a Proclamation declaring the week of April 12-18, 2009 as "National Public Safety Telecommunicators Week"
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Mike Lester, Craig Thurmond, Philip Tucker, Richard Carter, Wade McCaleb
Nays:	None

- C. Proclamation: Approval and authorization to execute a Proclamation declaring the week of May 4-10, 2009 as Youth Week.

Item Minutes: Mayor McCaleb asked for a motion to approve and execute this Proclamation. He read the Proclamation aloud and presented it to Ms. Sisney representing the Elks Club.

Motion:	Move to approve and authorize execution of a Proclamation declaring the week of May 4 – 10, 2009 as Youth Week.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Mike Lester, Richard Carter, Craig Thurmond, Philip Tucker, Wade McCaleb
Nays:	None

- D. Presentation of Certificate of Recognition and Appreciation for service on the Youth City Council

Item Minutes: Mayor McCaleb commended the Youth City Council and said he hoped they learned as much from him as he did from them. The Mayor said that there would be a few comments prior to handing out the certificates. Alejandro Tavizon, Chenise Rosebrock and Justin Langston each commented on their experiences while serving on the Youth City Council such as the trip to Oklahoma City to tour the Capitol to learn about the legislative process, as well as tours of various City departments, and commented on the importance of a community working together. Mayor McCaleb presented the Certificates of Recognition and Appreciation to each member of the Youth City Council.

Motion:	Move to authorize the Mayor to execute and present Certificates of Recognition and Appreciation for service on the Youth City Council
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Richard Carter, Wade McCaleb
Nays:	None

- E. Presentation of City of Broken Arrow Service Awards to Elected and Appointed Officials and Presentation of OML Honor Roll of Service Awards to Employees and Officials Achieving 25 Years of Oklahoma Municipal Government Service.

Item Minutes: City Manager, Mr. Jim Twombly, stated that the Mayor would be presenting City of Broken Arrow Service Awards to Elected and Appointed Officials, and also, the Oklahoma Municipal

League Honor Roll of Service Awards to City employees and officials completing 25 years of Oklahoma municipal government service.

City of Broken Arrow Service Awards:

5 years	Tom Chatterton Rene Ray	Ricky Jones Patsy Terry
10 years	Mike Lester	Ralph Crotchett Archer Honea
15 years	Richard Carter	Wade McCaleb
25 years	Johnnie Parks	

Oklahoma Municipal League Honor Roll Awards:

Brenda Biddle	Brian Chissoe
Leroy Manns	Anton Schelden
Frank Shields	Larry Spring
Allen Stanton	Mike Clark
Johnnie Parks	

No action was required or taken.

Mayor McCaleb stated that it IS 7:00 p.m. so Council would now hear Item 8, Citizens' Opportunity to address Council.

F. Presentation of Proposed Identity Theft Prevention Program

Item Minutes: City Manager, Jim Twombly, presented this Item consistent with the Fact Sheet provided in the Agenda packet. He reviewed of the information stating that a Red Flag Oversight Committee was established and consisted of representatives from Finance, Development Services, Legal, Information Services and Police. He said that Ms. Susan Birk of the Finance Department chaired the committee, and that due to the complexity of the law and to ensure the program is compliant, the Committee utilized the services of Greg Genua, a Certified Information Privacy Professional. Mr. Twombly added that Mr. Genua's background in privacy issues provided an unbiased assessment of City practices and sound advice in methods to improve our protection of our customers' personal information. Ms. Susan Birk presented the Proposed Identity Theft Prevention Program consistent with the report provided in the Agenda packet.

No action was required or taken.

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)

Section Minutes: Mayor McCaleb called Mr. Scott McFadden. Mr. McFadden expressed concern about the litter caused by newspapers thrown in driveways of vacant houses, in gutters and on sidewalks. He said the Broken Arrow Ledger threw papers to all residents even when the papers are visibly piling up and unclaimed. Mr. McFadden said that attempts to cancel the paper at his residence have been unsuccessful. Councilor Carter said that in the past, his request to cancel was successful but that was at a time when the paper was requested by subscription. Mr. McFadden said that since the paper is free it is thrown to every house even when there is a "for sale" sign in the yard. He added that he had photographs showing the unclaimed papers, and the Mayor asked that the disk be given to the City Clerk so that copies could be sent to Council and the newspaper. Ms. Wilkening said there is an ordinance in place dealing with this issue and the matter would be addressed right away.

Mayor McCaleb returned to Item 7A.

9. General Council Business

- A. Acceptance of a Temporary Construction Easement from Phil and Sharon Frazier (S33 T18N R14E) (Project: S 140 E Ave Waterline #WL0903)
- B. Acceptance of a Utility Easement from Phil and Sharon Frazier (S33 T18 R14E) (Project: S 140 E Ave Waterline #WL0903)
- C. Acceptance of a Utility Easement from William Gregory Field Pope (S33 T18N R14E)(Project: S 140 E Ave Waterline #WL0903)

Section Minutes: Ms. Wilkening said that Items 9A, 9B, and 9C could be taken together if Council wished. Councilman Lester recused himself due to a conflict and left the room. Ms. Wilkening said that all of these easements pertain to the public hearing that held earlier during this meeting. She stated that all of these utility easements are necessary for construction of the waterline in this area.

Motion:	Move to accept the easements in Items 9A, 9B and 9C
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

Vice Mayor Lester returned to the meeting after the discussion and vote was completed for Items 9A, 9B, and 9C.

- D. Approval of and authorization to execute a Memorandum of Understanding between the City of Broken Arrow and the City of Tulsa

Section Minutes: Ms. Wilkening stated that the Police Department has received the Edward Byrne Memorial Justice Assistance Grant from the Department of Justice. She explained that the City of Broken Arrow will receive the grant in the amount of \$107,413, and the funds will be administered by the City of Tulsa. She said it is required that Council approve and sign this Memorandum of Understanding.

Motion:	Move to approve and authorize the execution of a Memorandum of Understanding between the City of Broken Arrow and the City of Tulsa
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

- E. Consideration and approval of an agreement with Sandlane Investment Company for the transfer of property along Covington Creek for Floodplain Storage

Section Minutes: Ms. Wilkening said there was a change to be made to the legal in the agreement and asked that Council approve the agreement “as amended” and authorize execution. She said the legal would be corrected.

Mayor McCaleb said that one citizen signed up to speak regarding this item. He called Mary Ann Colson. Ms. Colson said she would defer to Brent Watson. Mr. Watson, 8624 South Wright Avenue,

Broken Arrow, OK, stated that it was the one year anniversary of the floods in east Broken Arrow, and it was fitting that Council is approving this stormwater relief project tonight. Mr. Watson said this is the first such project in which actual remediation would begin and the residents of the area wished to give special thanks to Kenny Schwab, Director of Engineering.

Motion:	Move to approve the agreement with Sandlane Investment Company for the transfer of property along Covington Creek for Floodplain Storage as amended and to authorize execution
Motion by:	Philip Tucker
Second by:	Mike Lester
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

- F. Consideration and approval of a request by the Broken Arrow Chamber of Commerce to host the 2009 Rooster Days Festival in Central Park

Section Minutes: Ms. Wilkening said the Chamber of Commerce requests to host the 2009 Rooster Days Festival and the City supports the request and the event.

Motion:	Move to approve request by the Broken Arrow Chamber of Commerce to host the 2009 Rooster Days Festival in Central Park
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

- G. Approval of a Resolution of the City Council of the City of Broken Arrow designating \$1,833,781.00 of the residual and surplus funds resulting from the termination of the Defined Benefit Plan for Retirees of the City of Broken Arrow as economic development funds to be used for the purpose of acquiring certain real property located North of the Creek Turnpike and either side of Aspen Avenue for purposes of certain Oklahoma Turnpike Authority Creek Turnpike facilities; authorizing the transfer of a portion of such funds in the amount of \$1,390,609.38 to the Broken Arrow Economic Development Authority for the purpose of acquiring a certain 25.48 acre tract of land located North of the Creek Turnpike and West of Aspen Avenue; ratifying all previous funds transfers related thereto; and approving Budget Amendment Number 11 for such purposes

Section Minutes: Ms. Wilkening said this matter has been discussed at past Council meetings and in executive sessions. She stated that, with regard to elimination of the Defined Benefit Plan, staff has confirmed that the annuities are performing as expected. She said that staff has also entered into negotiations and discussions for financing the other tract that is needed for the project. Ms. Wilkening added that staff believes results of these negotiations will be satisfactory to Council once completed.

Ms. Wilkening stated that there is a change in the actual amount of the purchase price which is now approximately \$1,380,970.00. She noted that this figure is rounded up because the Finance Director does not usually transfer change. She said that, in addition, a credit of about \$700 was received due to an overlap of easements and this credit is reflected in the resolution that Council is considering. Ms. Wilkening mentioned that the monies Council is considering for transfer are actually about \$10,000.00 less than reflected in the Fact Sheet provided with the Agenda. She added that much time was spent working with bond counsel and crafting the “Whereas” clauses, and the transaction is legal.

Motion:	Move to approve a Resolution of the City Council of the City of Broken Arrow designating \$1,833,781.00 of the residual and surplus funds resulting from the termination of the Defined Benefit Plan for Retirees of the City of Broken Arrow as economic development funds to be used for the purpose of acquiring certain real property located North of the Creek Turnpike and either side of Aspen Avenue for purposes of certain Oklahoma Turnpike Authority Creek Turnpike facilities; authorizing the transfer of a portion of such funds in the amount of \$1,390,609.38 to the Broken Arrow Economic Development Authority for the purpose of acquiring a certain 25.48 acre tract of land located North of the Creek Turnpike and West of Aspen Avenue; ratifying all previous funds transfers related thereto; and approving Budget Amendment Number 11 for such purposes
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

10. City Manager’s Report

Section Minutes: None.

11. Preview Ordinances

- A. An ordinance amending Chapter 2, Article IX, Section 2-170 pertaining to Disciplinary Action and Repealing all ordinances to the Contrary and Declaring an Emergency.
- B. An ordinance amending Chapter 23, Article I, Section 23-37 pertaining to Use of child passenger restraining system required and Repealing all Ordinances to the Contrary and Declaring an Emergency

Section Minutes: Ms. Wilkening stated that both preview ordinances 11A and 11B were as presented in the Fact Sheet.

Motion:	Move to forward the preview ordinances in Items 11A and 11B to the next agenda for possible adoption.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

12. Ordinances

- A. Adoption of Ordinance No. 3014 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931, approving BAZ 1779, granting R-1 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- B. Adoption of Ordinance No. 3019 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1758, granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Section Minutes: Ms. Wilkening stated that Ordinances No. 3014 and Ordinance No. 3019 are for zoning changes and as is Council's practice, these are not previewed. Mayor McCaleb asked if the zoning was approved by the Planning Commission. Ms. Wilkening said the zoning was approved.

Motion:	Move to approve Ordinances Nos. 3014 and 3019
Motion by:	Craig Thurmond
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance No. 3014.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance 3019
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

- C. Adoption of Ordinance No. 3027 - An ordinance closing a utility easement and overland drainage easement located in Reserve K, Iron Horse Ranch

Section Minutes: Ms. Wilkening stated that Ordinance No. 3027 has an emergency clause that goes with it even though it is not reflected on the agenda.

Motion:	Move to approve Ordinances No. 3027
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance No. 3027
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Wade McCaleb
Nays:	None

13. Remarks and Inquiries by Governing Body Members

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on and discussing contract negotiations concerning the IAFF and FOP employee groups under 25 O.S. § 307(B)(2); the purchase and appraisal of real property for the conference center proposed to be located north of Albany and east of Elm in Stonewood Hills under 25 O.S. § 307(B)(3); litigation concerning a possible disclaimer in the case of Bank of Oklahoma, N.A. v. Randy E. Davenport, et al., Tulsa County District Court Case Number CJ-2009-01586; and settlement offers in the cases of City of Broken Arrow v. Gloria Mayfield, et al., Tulsa County District Court Case Number CJ-2008-1625; City of Broken Arrow v. Jack Parrott, et al., Tulsa County District Court Case Number CJ-2008-1624; and City of Broken Arrow v. Lenard Poplin, et al., Tulsa County District Court Case Number CJ-2007-7889 under 25 O.S. § 307(B)(4); and discussing a pending investigation and possible claim or litigation concerning 2004 street bond projects and the conference center bond issue under 25 O.S. § 307(B)(4). The Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation and investigation and possible claim or 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.

Section Minutes: Mayor McCaleb asked for a Motion to move ahead on the Agenda to the Executive Session. The motion passed and Council entered into Executive Session at 7:13 p.m.

The Mayor reconvened the regular session at 8:04 p.m.

Motion:	Move to pass the cases of Mayfield, Parrott, and Poplin for consideration at the next City Council meeting
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Richard Carter, Wade McCaleb
Nays:	None

Motion:	Move to authorize staff to prepare the necessary paperwork to submit to the voters for road improvement projects from the 2004 bond issue as necessary to keep the projects within the approved costs, as well as revisions to the plans of the conference center
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Richard Carter, Wade McCaleb
Nays:	None

Motion:	Move to authorize the City Attorney to file a disclaimer in the case of Bank of Oklahoma, N.A. v. Randy Davenport, et al.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Richard Carter, Wade McCaleb
Nays:	None

Motion:	Move to authorize staff to proceed with negotiations for the acquisition of property for the construction of the conference center, and continue to research financing options.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Richard Carter, Wade McCaleb
Nays:	None

Councilman Carter had to leave after the Executive Session and votes were completed and he left at 8:05p.m.

At this time, Mayor McCaleb returned to Item 7F on the Agenda.

15. Adjournment

Section Minutes: The meeting adjourned at the noted time of 8:29 p.m.

Motion:	Move to adjourn the City Council meeting to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Mike Lester, Philip Tucker, Craig Thurmond, Richard Carter, Wade McCaleb
Nays:	None

NOTICE:

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, 2009, at _____ a.m./p.m.

City Clerk

