

**BROKEN ARROW CITY COUNCIL MINUTES**  
**March 3, 2009**

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, March 3, 2009, at 6:30 p.m.

**1. Call to Order**

**Section Minutes:** Mayor McCaleb called the meeting to order at the noted time of 6:30 p.m.

**2. Invocation**

**Section Minutes:** Pastor Danny Burton delivered the invocation.

**3. Roll Call**

<b>Present:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Absent:</b>	None

**4. Pledge of Allegiance to the Flag**

**Section Minutes:** Members of Boy Scout Troop 10 sponsored by Asbury United Methodist Church led those present in the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor McCaleb said that Item 5D will be removed from the Consent Agenda at the request of a citizen. The Mayor asked if there were any other items to be removed from the Consent Agenda. There being no other items to remove, Mayor McCaleb asked for a Motion to approve the Consent Agenda except for Item 5D.

- A. Approval of the regular meeting minutes of February 17, 2009
- B. Acceptance of the minutes of the Planning Commission meeting held February 12, 2009
- C. Approval to reschedule the June 2, 2009 and the June 16, 2009 City Council meetings to June 1, 2009 and June 15, 2009
- D. Approval of and authorization to execute Amendment No. 1 to Architect-Engineer Contract No. ST0809 with Garver Engineers, LLC for Omaha Street (51st Street) and Elm Place (161st E. Avenue) Intersection Improvements
- E. Approval of and authorization to execute Amendment No. 2 to Architect-Engineer Agreement with Mike Hughes Architects, PC, for design of the Conference Center
- F. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Girls Softball League (BAGSL), for use of the Youth Softball Fields at Central Park Softball Complex and Arrowhead Park Softball Complex, from the date of execution through December 31, 2009
- G. Approval of PT08-123, Conditional Final Plat for Kenosha Landing, 2.57 acres, 1 lot, RM/PUD 191, less than one-half mile west of Aspen Avenue (145th East Avenue), one-fourth mile north of Kenosha Street (71st Street), on the north end of Elder Place
- H. Approval of PT08-127, Conditional Final Plat for Service Master, 0.70 acres, 1 lot, IL (BAZ 1819 and PUD 194 ), east of the southeast corner of Evans Road (225th East Avenue) and Kenosha Street (71st Street) at 22700 East Kenosha Street

- I. Approval of PUD 197, Oneta Square, 2.41 acres, A-1 (CH/BAZ 1318), east of the northeast corner of Oneta Road (241st E. Avenue) and State Highway 51
- J. Acceptance of a Temporary Construction Easement from Peggy J. Turley, Trustee (Parcel 4.1) (S36 T19N R14E) (Project: STO529)
- K. Acceptance of a Temporary Construction Easement from Peggy J. Turley, Trustee (Parcel 5.1) (S36 T19N R14E) (Project: STO529)
- L. Acceptance of a General Warranty Deed from Peggy J. Turley, Trustee (Parcel #4) (S36 T19N R14E) (Project: STO529)
- M. Acceptance of a General Warranty Deed from Peggy J. Turley, Trustee (Parcel #5) (S36 T19N R14E) (Project: STO529)
- N. Approval of the Claims List

<b>Motion:</b>	<b>Move to approve the Consent Agenda with the exception of Item 5D.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**6. Consideration of Items Removed from Consent Agenda**

- 5D. Approval of and authorization to execute Amendment No. 1 to Architect-Engineer Contract No. ST0809 with Garver Engineers, LLC for Omaha Street (51st Street) and Elm Place (161st E. Avenue) Intersection Improvements

**Item Minutes:** Mayor McCaleb called Mr. Robert Townsend forward to address Council regarding Item 5D.

Mr. Robert Townsend, 4925 S. 165th E. Ave., Tulsa, OK 74134, addressed Council regarding this Item. Mr. Townsend stated that he provided his comments in written form and requested that his comments along with the accompanying attachments be made a part of these minutes. As per Mr. Townsend's request, his presentation and its attachments are attached hereto.

<b>Motion:</b>	<b>Move to approve Item 5D.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

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

- A. Award: Presentation and approval of the "Employee of the Quarter" award recognizing Chris Ohler for the term October through December 2008

**Item Minutes:** City Manager, Mr. Jim Twombly, said that Steven Torres, Risk Management, Division, nominated Mr. Chris Ohler, Parks Department, as Employee of the Quarter for October - December 2008. Mr. Twombly said that Mr. Torres pointed out in his nomination that Chris Ohler exemplifies dedication and determination, and that in particular, Mr. Ohler exemplifies the Character Counts Program Pillar of Caring. Mr. Twombly said that Mr. Torres also wrote that Chris Ohler is known for bringing these attributes to work every day, gives 100% in his daily work activities, and that Chris wants the people around him to succeed in every aspect of life and not just at work.

Mayor McCaleb called Mr. Ohler forward to be recognized and presented him with his award. Mr. Ohler thanked Council and said that he would accept on behalf of all those he works with who work so hard and make him look good.

Mayor McCaleb asked for a Motion to name Chris Ohler "Employee of the Quarter" for October through December, 2008.

<b>Motion:</b>	<b>Move to approve Chris Ohler as Employee of the Quarter for the term October through December 2008.</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

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

No one signed up to address Council under this item.

**9. General Council Business**

There were no items to consider and no action was taken.

**10. City Manager's Report**

A. Farmer's Market Fee Waiver

**Item Minutes:** Mr. Twombly presented this Item consistent with the Fact Sheet provided in the agenda packet. He said that usually there is a fee charged to rent City facilities, including the Farmer's Market for private events, and the fee schedule is included in agenda packet. He explained that a group requested to reserve the Farmer's Market for a class reunion and they requested that the fee be waived. Mr. Twombly said that staff denied the fee waiver request because of costs as stated in the Fact Sheet. Mr. Twombly added that a fee waiver would set a precedent for future use of facilities. He asked Council for direction.

Councilman Tucker suggested this group be given a fee waiver while the issue of fees is reviewed. Mayor McCaleb asked Councilman Tucker if he was asking that staff specifically review school reunions and whether they can be included as a group qualifying for fee waivers. Councilman Carter said that costs are built into reunion events when held in hotels. Vice Mayor Lester said that getting reunions downtown to see Main Street and the development in Broken Arrow's downtown, is important. Councilman Carter said that churches have to pay some fees when reserving picnic shelters and such. The Mayor asked Mr. Twombly to have staff review the fee schedule in relation to this issue and bring the matter back to Council at a future meeting.

No action was required or taken.

**11. Preview Ordinances**

There were no items to consider and no action was taken.

**12. Ordinances**

- A. Ordinance No. 3024 - an ordinance closing a portion of a Utility Easement on Lot 12, Block 6, The Estates of Birchwood, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency
- B. Ordinance No. 3025 - an ordinance closing a Mutual Access Easement and Utility Easement located on the east end of Ocala Street in Indian Springs Golf Course (south of 131st Street South and west of 177th E. Avenue) Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency
- C. Ordinance No. 3026 - an ordinance amending the Employee Retirement System Defined Contribution Plan of the City of Broken Arrow, Oklahoma, to incorporate the final IRC Section 415 regulations; providing for an effective date, providing for repealer and severability; and declaring an emergency

**Section Minutes:** Mayor McCaleb asked if all three ordinances could be taken together. Councilman Thurmond requested Ordinance No. 3025 be considered separately as he had a conflict.

Development Services Director, Michael Skates, presented Ordinance Nos. 3024 and 3025 consistent with information contained in the Fact Sheets.

Ms. Wilkening presented Ordinance No. 3026 consistent with the Fact Sheet contained in the Agenda packet.

<b>Motion:</b>	<b>Move to approve Ordinance Nos. 3024 and 3026.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to adopt the Emergency Clause of Ordinance Nos. 3024 and 3026.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

Councilman Craig Thurmond left the room.

<b>Motion:</b>	<b>Move to approve Ordinance No. 3025.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to adopt the Emergency Clause of Ordinance No. 3025.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

Councilman Craig Thurmond was unavailable for the vote, returning to the room immediately thereafter.

### 13. **Remarks and Inquiries by Governing Body Members**

Councilman Carter requested an update from the City Manager on the recent employee meetings regarding the City budget situation.

Mr. Twombly noted he and the Assistant City Manager, Dave Wooden, conducted 5 meetings with employee groups to discuss the City's financial condition, possible measures that could be taken to improve the budget for fiscal year 2009-2010, and a time line for planning to improve the budget. He explained that the meetings were mandatory because it is important that employees be aware of the City's financial situation; that they have the opportunity to ask questions and make comments; and, that there be open dialog concerning the issue. He said that additional meetings will be held with firefighters and police department employees in order to accommodate their shifts and assignments.

Mr. Twombly said a goal has been set at \$2.2 million for the reserve fund. He added that revenue enhancements and cost reductions will help, but that 80% of the general fund budget is made up of personnel costs. Mr. Twombly said that employees were told layoffs are a possibility, and he read a list of some of the types of questions and comments made by employees during the meetings.

In response to inquiries from the Mayor, Mr. Twombly responded that employees gave suggestions for possible cost savings in addition to asking questions regarding furloughs and the 1% raise received this year. He added that there were questions about rumors circulating and all those questions were handled. Mr. Twombly said employees are encouraged to share their cost saving ideas with department heads.

Mayor McCaleb noted there will be a lot of additional information provided to Council in the next few weeks, specifically at the March 17<sup>th</sup> Council meeting and at a special Council meeting on March 24, 2009. The Mayor said there is a lot of fear when layoffs are mentioned, and that is the last thing Council wants to do.

**14. Executive Session**

There were no items to consider and no action was taken.

**15. Adjournment**

<b>Motion:</b>	<b>Move to adjourn.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Mike Lester, Richard Carter, Wade McCaleb, Philip Tucker, Craig Thurmond
<b>Nays:</b>	None

The meeting was adjourned at the noted time of 7:21 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**AGENDA ITEM 5-D**  
**REQUEST TO TABLE AGENDA ITEM 5-D**  
**AMENDMENT #1 OMAHA/ELM PLACE**  
**GARVER ENGINEERS, LLC**

Mr. Mayor, Ladies and gentlemen, Taxpayers in the audience, good evening, my name is Robert L. Townsend. I live at 4925 S 165th East Ave, Tulsa, OK, 74134. I am here tonight to oppose Agenda item 5-D, Please put up Attachment I.

Attachment I is a copy of the first page of briefing material for agenda item 5-D, from the Council Meeting briefing documents for the March 3, 2009, meeting. This briefing material I see is not accompanied by a Schematic which clearly shows the redesign intent. If one were available on the City's computer, I would appreciate it being brought up.

Not available, then we will proceed. Here is my hand drawn, *A# 2*, example of what I believe is to take place under this redesign contract.

1. Design the North Leg.
2. Design the road width extension east to match school road width.
3. Design a right turn lane on West leg.
4. Design a Sound/retaining wall separating 161st ST & Trinity Creek.

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**AGENDA ITEM 5-D**

5. Design Cul-de-sac @ 163rd Street and tie-in 50th St S outlet to 161st St.

Phase one is items 4 and 5 and cost City of Tulsa \$ 16,500. *to design*

Phase two is items 1, 2 and 3 and cost the County of Tulsa \$37,150. *to design*

This material does not show a cost history of the A/E design?

What are the costs approved to date? What % change does this modification represent?

The material does not show a preliminary cost to construct.

What are the rough and dirty estimates to construct? The detail design would arrive at final cost figures.

It does, however, state the funds will come from the City of Tulsa and County of Tulsa "4 to fix phase 2" sales tax issue.

Presumably, the actual construction costs would also.

I oppose the approval of this contract for design changes for the following reasons:

- CJ-2008-09083 is a lawsuit currently in progress opposing the completion of Elm Place Extension and the Intersections as proposed.
- You started digging this hole with Hearings in September 2008 amending the Comprehensive plan and changing the zoning with BACP-96 for a developer's benefit.
- The hole was made deeper by your road/intersection plan falling to

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## AGENDA ITEM 5-D

- meet sound professional standards in the design and development of the project. This amendment is further indication in poor planning.
- You dug this hole deeper by amending BACP-96 and deviating from Standards of Conduct in approving the rezoning request for the developer's benefit.
- You dug the hole even deeper by accepting a deed of dedication for ROW on 20090126. You are directly opposing the authority of the Court to render an opinion in this case.
- Now, you're proposing to dig the hole further by again opposing the Authority of the Court. Your contracting for design changes in areas where the court may very well rule against you. Why not wait?
- This request uses more funds from the "4 to fix sales tax issue" voted for 51st Street widening and your using them for other purposes, again appearing to benefit a developers dream in BACP-96 to the Taxpayers detriment.
- I take issue with your creating a cul-de-sac and outlet changes that have been caused by Perkins/Brown LLC for the Benefit of a Brown Project called Trinity Creek. Why is Brown not being charged for these changes for phase I, the sound barrier and the cul-de-sac work of 163rd St? These are necessary due to his

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## AGENDA ITEM 5-D

original design failures with the City of Tulsa.

Most entities would stop digging when they are in a deep hole they may not get out of. You do not. You plow ahead ignoring the will of the Taxpayers and again ignoring the authority of the Court to rule on these issues.

In conclusion, I again recommend you halt all actions on this project and stop any actions in the pipeline on this project for the future. The City of Broken Arrow's actions to date require a decision by the Court to allow a fair and complete hearing into the activities of the City. The outcome should not be prejudiced with actions in contravention of challenged activities. The City must not be allowed to claim deed done, cannot be undone, or would cause great harm, in future pleadings when they act so willfully and irresponsibly.

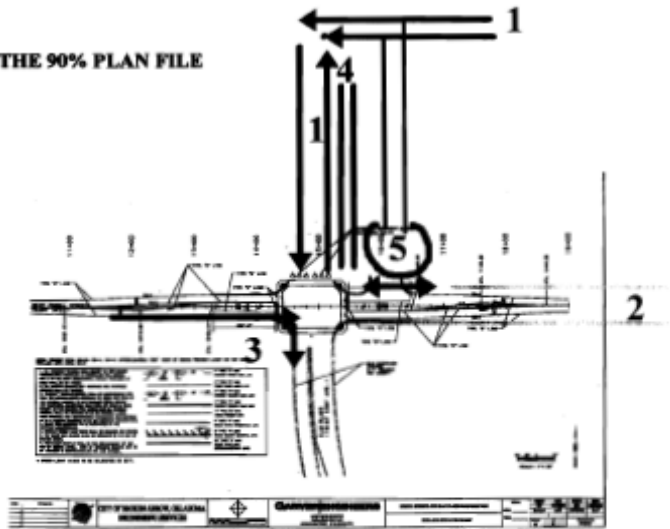
So, table this contract amendment, halt all actions on this project and stop any actions in the pipeline on this project in the future.

Thank you for your time. I request this presentation and all attachments are included in their entirety in the official minutes of this meeting.

Robert L. Townsend

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FROM THE 90% PLAN FILE



- \*\* 1. Design the north leg.
  - \*\* 2. Extend & redesign width east to match school width of road.
  - \*\* 3. Redesign right turn lane on West leg.
  - \* 4. Design sound/retaining wall separating 161st and Tristy Creek.
  - \* 5. Design cul-de-sac 163rd Street & tie-in to 50th St. S outlet to 161st St.
- \* Phase 1 Cost \$ 16,500 to design, cost to City of Tulsa. \$??? to build?
- \*\* Phase 2 Cost 37,150 to design, cost to County of Tulsa. \$??? to build?



BROKEN ARROW CITY COUNCIL

ATT 2

MEETING OF: 03-03-09

TO: MAYOR AND CITY COUNCIL  
 FROM: OFFICE OF THE CITY MANAGER  
 SUBJECT: APPROVAL OF AND AUTHORIZATION TO EXECUTE AMENDMENT NO. 1 TO AN ARCHITECT-ENGINEER CONTRACT NO. ST8809 WITH GARVER ENGINEERS, LLC FOR OMAHA ST. AND ELM PL. INTERSECTION IMPROVEMENTS.

**Background:** This is for additional design services on the Omaha St. and Elm Pl. Intersection improvements. The additional services include design of the north leg of the intersection, extending the intersection east to tie into the Broken Arrow School's widening design and an additional right turn lane on the west leg of Omaha. The A/E will also be designing a sound/retaining wall and cul-de-sac for the City of Tulsa. This amount is included in the amendment and City of Tulsa has agreed to reimburse the City of Broken Arrow for this amount. The additional fee is \$53,700.00. The A/E contract amendment is attached. This project is a Tulsa County 2006-4 to Fix Phase 2' Sales Tax issue.

**Cost:** \$53,700.00

**Report Prepared By:** Kenneth D. Schwab, Engineering and Construction Dept. Director

**Report Reviewed By:** Assistant City Manager  
 Legal Department  
 Finance Department  
 Street and Stormwater Department

**Report Approved By:** James M. Twombly, City Manager

**Attachments:** Architect-Engineer Contract Amendment with Garver Engineers, L.L.C.

**Recommendation:** Approve and authorize the execution of an architect-engineer contract amendment with Garver Engineers, L.L.C., for Omaha St. and Elm Pl. Intersection Improvements.

JMT: kds



**BROKEN ARROW CITY COUNCIL MINUTES**

March 3, 2009

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, March 3, 2009, at 6:30 p.m.

Call to Order

Section Minutes Mayor McCaleb called the meeting to order at the stated time of 6:30 p.m.

Invocation

Section Minutes Pastor Danny Barton delivered the invocation.

Roll Call

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

Prayer of Allegiance to the Flag

Section Minutes Members of Boy Scout Troop 10 sponsored by Ashby United Methodist Church led those present in the Pledge of Allegiance to the Flag.

Consideration of Consent Agenda

Section Minutes Mayor McCaleb said that Item SD will be removed from the Consent Agenda at the request of a citizen. The Mayor asked if there were any other items to be removed from the Consent Agenda. There being no other items to remove, Mayor McCaleb asked for a Motion to approve the Consent Agenda except for Item SD.

Approval of the regular meeting minutes of February 17, 2009

Acceptance of the minutes of the Planning Commission meeting held February 12, 2009

Approval and authorization to execute Amendment No. 1 to Architects-Engineer Contract No. ST0809 with Garver Engineers, LLC for Omaha Street 51st Street) and Elm Place 161st E. Avenue) Intersection Improvements

Approval and authorization to execute Amendment No. 2 to Architects-Engineer Agreements with Mike Hughes Architects, PC, for design of the Conference Center

Approval and authorization to execute Amendment No. 1 to Architects-Engineer Agreements with Mike Hughes Architects, PC, for design of the Conference Center

Approval of PFD-123 Conditional Final Plan for Exercise Mattee, 0.79 acres, 1st E, R#2, R10 Project, 194' lots, this one-half mile west of Aspen Avenue 148th East Avenue, one-fourth mile north of Kowaska Street 71st Street), on the north end of Elder Place

Approval of PFD-127 Conditional Final Plan for Exercise Mattee, 0.79 acres, 1st E, R#2, R10 Project, 194' lots, this one-half mile west of Aspen Avenue 148th East Avenue, one-fourth mile north of Kowaska Street 71st Street), on the north end of Elder Place

Approval of PFD 197 Onita Square, 2.41 acres, A-1, CHBAZ, R110, east of the northeast corner of Onita Road 241st E. Avenue) and Stone Highway 31

Acceptance of a Temporary Construction Easement from Peggy J. Turley, Tractor Parcel 41 1/2 S16 T10N R14E Project: ST0529)

Acceptance of a General Warranty Deed from Peggy J. Turley, Tractor Parcel 46 1/2 S16 T10N R14E Project: ST0529)

Acceptance of a General Warranty Deed from Peggy J. Turley, Tractor Parcel 49 1/2 S16 T10N R14E Project: ST0529)

Approval of the Chain List

Motion: Move to approve the Consent Agenda with the exception of Item SD. Motion by: Mike Lester Second by: Philip Tucker Ayes: Philip Tucker, Craig Thummond, Richard Carter, Mike Lester, Wade McCaleb Nays: None

Consideration of Items Returned from Consent Agenda

SD Approval and authorization to execute Amendment No. 1 to Architects-Engineer Contract No. ST0809 with Garver Engineers, LLC for Omaha Street 51st Street) and Elm Place 161st E. Avenue) Intersection Improvements

Item Minutes Mayor McCaleb called Mr. Robert Townsend forward to address Council regarding Item SD.

Mr. Robert Townsend, 4025 S. 101st E. Ave., Tulsa, OK 74134, addressed Council regarding this item. Mr. Townsend stated that he provided his comments in written form and requested that his comments along with the accompanying attachments be made a part of these minutes. As per Mr. Townsend's request, his presentation and its attachments are attached hereto.

Motion: Move to approve Item SD. Motion by: Mike Lester Second by: Richard Carter Ayes: Philip Tucker, Craig Thummond, Richard Carter, Mike Lester, Wade McCaleb Nays: None Public Hearings, Approvals, Presentations, Recognitions, Awards and Oaths

Award Presentation and approval of the Employee of the Quarter award recognizing Chris Olier for the term October through December 2008

Item Minutes Mayor McCaleb called Mr. Jim Twombly, and that Steven Torres, Risk Management, Division, mentioned Mr. Chris Olier, Parks Department, an Employee of the Quarter for October- December 2008. Mr. Twombly said that Mr. Torres pointed out to his nomination that Chris Olier exemplifies dedication and determination, and that in particular, Mr. Olier exemplifies Character Counts Program Pillar of Caring. Mr. Twombly said that Mr. Torres also wrote that Chris Olier is known for bringing those attributes to work every day, gives 100% to his daily work activities, and that Chris wants the people around him to succeed in every aspect of life and not just at work.

Mayor McCaleb called Mr. Olier forward to be recognized and presented him with his award. Mr. Olier thanked Council and said that he would accept on behalf of all those he works with who work so hard and make him look good.

Mayor McCaleb asked for a Motion to name Chris Olier Employee of the Quarter for October through December, 2008.

Motion: Move to approve Chris Olier as Employee of the Quarter for the term October through December 2008. Motion by: Philip Tucker Second by: Richard Carter Ayes: Philip Tucker, Craig Thummond, Richard Carter, Mike Lester, Wade McCaleb Nays: None

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

No one signed up to address Council under this item.

General Council Business

There were no items to consider and no action was taken.

Farmer's Market Fee Waiver

Item Minutes Mr. Twombly presented this item consistent with the Fee Sheet provided in the agenda packet. He said that usually there is a fee charged to rent City facilities, including the Farmer's Market for private events, and the fee schedule is included in agenda packet. He explained that a group requested to reserve the Farmer's Market for a class reunion and they requested that the fee be waived. Mr. Twombly said that staff denied the fee waiver request because of costs as stated in the Fee Sheet. Mr. Twombly asked that a fee waiver would set a precedent for future use of facilities. He asked Council for direction.

Concussion Tucker suggested this group be given a fee waiver while the issue of fees is reviewed. Mayor McCaleb asked Concussion Tucker if he was asking that staff specifically review school reunions and whether they can be included as a group qualifying for fee waivers. Concussion Carter said that costs are both into reunion events when held in hotels. Vice Mayor Lester said that getting reunions downtown to use Main Street and the development in Broken Arrow is important. Concussion Carter said that churches have to pay some fees when receiving picnic shelters and such. The Mayor asked Mr. Twombly to have staff review the fee schedule in relation to this issue and bring the matter back to Council at a future meeting.

No action was requested on this item.

Previous Ordinances

There were no items to consider and no action was taken.

Ordinance

Ordinance No. 3024 an ordinance closing a portion of a Utility Easement on Lot 12, Block 6, The Estates of Birchwood, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency

Ordinance No. 3025 an ordinance closing a Mutual Access Easement and Utility Easement located on the east end of Oak Street in Indian Spring Golf Course north of 171st Street South and west of 171th E. Avenue) Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency

Section Minutes Mayor McCaleb asked all three ordinances could be taken together. Concussion Thummond requested Ordinance No. 3025 be considered separately as he had a conflict.

Development Services Director, Michael Skates presented Ordinance No. 3024 and 3025 consistent with information contained in the Fee Sheet.

Mr. Wilkington presented Ordinance No. 3026 consistent with the Fee Sheet contained in the Agenda packet.

Motion: Move to approve Ordinance No. 3024 and 3026. Motion by: Mike Lester Second by: Craig Thummond Ayes: Philip Tucker, Craig Thummond, Richard Carter, Mike Lester, Wade McCaleb Nays: None

Motion: Move to adapt the Emergency Clause of Ordinance No. 3024 and 3026. Motion by: Mike Lester Second by: Richard Carter Ayes: Philip Tucker, Craig Thummond, Richard Carter, Mike Lester, Wade McCaleb Nays: None

Motion: Move to adapt the Emergency Clause of Ordinance No. 3025. Motion by: Richard Carter Second by: Philip Tucker Ayes: Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb Nays: None

Concussion Craig Thummond was unavailable for the vote, existing in the room immediately thereafter.

Remarks and Inquiries by Governing Body Members

Concussion Carter requested an update from the City Manager on the recent employee meetings regarding the City budget situation.

Mr. Twombly noted he and the Assistant City Manager, Dave Woodson, conducted 5 meetings with employee groups to discuss the City's financial condition, possible measures that could be taken to improve the budget for fiscal year 2009-2010, and a time line for planning to improve the budget. He explained that the meetings were mandatory because it is important that employees be aware of the City's financial situation, that they have the opportunity to ask questions and make comments, and that there be open dialogue concerning the issue. He said that additional meetings will be held with firefighters and police department employees in order to accommodate their shifts and availability.

Mr. Twombly said a goal has been set of \$2.2 million for the reserve fund. He added that revenue enhancements and cost reductions will help, but that 80% of the general fund budget is made up of personnel costs. Mr. Twombly said that employees were told layoffs are a possibility, and he read a list of some of the types of questions and comments made by employees during the meetings.

In response to inquiries from the Mayor, Mr. Twombly responded that employees gave suggestions for possible cost savings in addition to asking questions regarding fatigues and the 1% raise received this year. He added that there were questions about centers circulating and all those questions were handled. Mr. Twombly said employees are encouraged to share their cost saving ideas with department heads.

Mayor McCaleb noted there will be a lot of additional information provided to Council in the next few weeks, specifically at the March 17th Council meeting and at a special Council meeting on March 24, 2009. The Mayor said there is a lot of fear when layoffs are mentioned, and that is the last thing Council wants to do.

Executive Session

There were no items to consider and no action was taken.

Adjournment

Motion: Move to adjourn. Motion by: Mike Lester Second by: Richard Carter Ayes: Mike Lester, Richard Carter, Wade McCaleb, Philip Tucker, Craig Thummond Nays: None

The meeting was adjourned at the stated time of 7:21 p.m.

Mayor City Clerk