

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

1. Call to Order

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

2. Invocation

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

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Troop 990 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 to approve the Consent Agenda.

Motion:	Move to approve the Consent Agenda as presented
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb. Richard Carter. Craig Thurmond. Philip Tucker. Mike Lester
Nays:	None

- A. Approval of regular meeting minutes of September 15, 2009
- B. Acceptance of minutes of the Planning Commission meeting on September 10, 2009.
- C. Approval of an Attorney Engagement Agreement between the City of Broken Arrow and Scott R. Hall & Associates. PLLC
- D. Approval of Oklahoma Municipal League (OML) By-Law Changes
- E. Approval of One Voice Legislative Agenda for 2010
- F. Approval of bids received and award of the most advantageous bid to Casco Industries for the purchase of 7 Thermal Imaging Cameras
- G. Approval of bids received and award of the most advantageous bid to Magnum Construction for a construction contract for Nienhuis Park Marquee Sign

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3. Roll Call

Richard Carter. Philip Tucker and Mike Lester

Present: Wade McCaleb. Craig Thurmond.

None

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Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Troop 990 led the Pledge of Allegiance to the Flag.

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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 to approve the Consent Agenda.

Motion: Move to approve the Consent Agenda as presented

Motion by Wade McCaleb

Second by Richard Carter

Ayes: Wade McCaleb. Richard Carter. Craig Thurmond. Philip Tucker. Mike Lester

Nays: None

A. Approval of regular meeting minutes of September 15, 2009

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Broken Arrow City Council Minutes Page I of I October 6, 2009

- H. Approval of bids received and award of the most advantageous bid to Professional Turf Products for two Toro wide area mowers
- I. Approval of bids received and award of the most advantageous bid to Third Generation Electrical, Inc., for Indian Springs Sports Complex Baseball/Soccer Fields Lighting Upgrade
- J. Approval of bids received and award of the most advantageous bid to Traffic and Lighting Systems, LLC for 9th Street and Omaha Street Signalization and Appurtenances
- K. Approval of bids received and award of the most advantageous bid to Warren Cat for a Tractor/Loader/Box Blade
- L. Approval of PUD 35A, 6100 Center, Major Amendment to PUD 35, 2.09 acres, 3 lots and part of a fourth lot, IL/PUD 35, and BAZ 1838, IL to CG, 0.37 acres, part of one lot, ¼ mile west of Olive Avenue (129th East Avenue), south of Albany Street (61st Street).
- M. Acceptance of a warranty deed and utility easement located in the Northwest Quarter of Section 25, Township 18 N, Range 14 E, Kenneth L. Nix and Judith G. Nix property, City of Broken Arrow, Tulsa County, State of Oklahoma
- N. Acceptance of a drainage and utility easement from Robert D. and Kathleen Ives Smith (S11 T17N R14E) (Project: Smith Drainage/Utility easement)
- O. Acceptance of a utility easement from Jason A. and Wendy L. Brown (S09 T17N R14E) (Project: Bentley Village DN05-170)
- P. Acceptance of a utility easement from Michael A. and Kerri L. Gotcher (S09 T17N R14E) (Project: Bentley Village DN05-170)
- Q. Acceptance of utility easement from Kenneth B. Kazarian (S2 T17N R14E)
- R. Approval of the Claims List

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

- A. Presentation: Update on Morrow Ridge Flooding

Item Minutes: Director of Engineering, Mr. Ken Schwab, presented this item consistent with the Fact Sheet provided in the agenda packet. He summarized stating that on September 21, 2009, the City of Broken Arrow received a significant amount of rainfall in less than a 3-hour period, and this resulted in several road closures in the northern sector of Broken Arrow. He explained that the flooding at one location was a tributary to Adams Creek that crosses under 9th Street (Lynn Lane) approximately 300 feet north of Albany, and this stormwater flows east within an improved channel located in an overland drainage easement along the southern boundary of the Morrow Ridge I subdivision.

He said that stormwater during this event stayed within the drainage channel but engineering has further reviewed the performance of this drainage channel. He added that Engineering and Construction prepared an Interoffice Memorandum which was provided in the agenda packet along with the Fact Sheet and the memo details the performance of the drainage system during the storm event. Mr. Schwab said the City plans further study to determine if necessary improvements to the natural channel are required to increase its capacity so it will pass the one percent chance flood (also known as the 100 year storm). He stated that any improvements would be made in conjunction with roadway and drainage improvements along 9th Street, and that the contract for these street improvements is in progress, and any required channel changes will be made during the period February to April 2010.

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Broken Arrow City Council Minutes Page 2 of 2 October 6, 2009

Mr. Scott Crane, resident of Morrow Ridge addition, addressed Council to express concerns regarding the stormwater flow and drainage channel west and south of the Morrow Ridge and Carriage Crossing additions. He showed photos of the water level as it flowed through the drainage channel and as it came down the hill.

No action was taken or required.

- B. Award: Approval and presentation of the "Employee of the Quarter" award recognizing Officer Paul Treat for the term July through September 2009

Item Minutes: Mayor Lester presented this item stating that Officer Paul Treat's duty performance and volunteer work during off-duty hours goes above and beyond his job requirements, and Officer Treat's dedication sets an outstanding example for all city employees. Mayor Lester asked for a motion to approve presentation of the award of Employee of the Quarter to Officer Treat.

Motion:	Move to approve presentation of the "Employee of the Quarter" award recognizing Officer Paul Treat for the term July through September 2009
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

- C. Award: Acceptance of Oklahoma Flood Plain Managers Association "Public Official of the Year" award

Item Minutes: Councilor Thurmond said he had the privilege of attending the Oklahoma Floodplain Managers Association (OFMA) Fall Conference which presented its "Public Official of the Year" award to Broken Arrow City Council. Councilor Thurmond said the Kenosha Corridor Flood Action Committee nominated the entire City Council for "moving the City of Broken Arrow in a forward direction to remediate increasing flood issues". He said the Committee was really the recipient of this award as they do much of the hard work. Councilor Thurmond said he would like to present the award to the Mayor for the City Council. Councilor Carter said that he wanted to express thanks to the Kenosha Corridor Flood Action Committee.

No action was taken or required.

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services

Section Minutes: Mr. Dan Mays addressed Council regarding his concerns about noise at the Target store behind his home. He said the City Prosecutor told him the City would not prosecute Target because the noise was not loud enough. Mr. Mays said the Prosecutor did not have the noise checked at 4:00 in the morning, and he explained that his is the only house that backs up to Target in such a way that he hears all the trucks, forklifts, pallets, and deliveries that take place between midnight and 4:00 a.m. Mr. Wooden responded that City staff will measure the sound levels during the above specified hours and proceed from there.

9. General Council Business

- A. Consideration and possible action on a request from FlightSafety for economic assistance to relocate in the City

Item Minutes: Acting City Manager, Mr. Dave Wooden, said FlightSafety is currently working to expand their operation and they have received invitations from other cities but would like to stay in Broken Arrow. Mr. Rick Armstrong, Vice President of FlightSafety, reviewed a slide presentation which is provided as part of the agenda packet.

Mr. Wooden reviewed the details of the request which included sales tax impact. Mr. Wooden said staff has made a series of recommendations and proceeded to review the recommendations for Council. Councilor Carter said FlightSafety is a corporation any City would want to have and added that he supports the recommendations presented by Mr. Wooden. Council agreed and Mayor Lester asked

Mr. Scott Crane, resident of Morrow Ridge addition, addressed Council to express concerns regarding the stormwater flow and drainage channel west and south of the Morrow Ridge and Carriage Crossing additions. He showed photos of the water level as it flowed through the drainage channel and as it came down the hill.

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Motion: Move to approve presentation of the "Employee of the Quarter" award recognizing Officer Paul Treat for the term July through September 2009

Motion by Wade McCaleb

Second by Richard Carter

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

Nays: None

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supports the recommendations presented by Mr. Wooden. Council agreed and Mayor Lester asked
Broken Arrow City Council Minutes Page 3 of 3 October 6, 2009

for a motion. City Attorney, Ms. Beth Anne Wilkening, advised that Council vote on each recommendation separately.

Motion:	Move to authorize the City Attorney to obtain a title opinion on the property brought to ensure that there is not a dedication clause prohibiting use of the land by entities other than the City
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

Motion:	Move to authorize the Acting City Manager to enter into negotiations with FlightSafety for a contract
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

Motion:	Move to authorize Development Services Department to immediately start the process of obtaining a change to the Comprehensive Plan and zoning on the site
Motion by:	Philip Tucker
Second by:	Wade McCaleb
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

Motion:	Move to authorize the Engineering and Construction Department to evaluate water line relocation requirements and stormwater drainage requirements for the site
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

Motion:	Move to authorize request that the Broken Arrow Economic Development Authority (BAEDA) request that the Broken Arrow Economic Development Corporation (BAEDC) review the potential funding mechanisms under the existing special contract between BAEDC and the BAEDA
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- B. Consideration and possible approval of a request from the Broken Arrow Public School District for the Broken Arrow Economic Development Authority (BAEDA) to serve as the entity to sell the bonds for the upcoming school bond program

Item Minutes: Acting City Manager, Mr. Dave Wooden, introduced Dr. Gary Gerber, Superintendent of Broken Arrow Public Schools. Dr. Gerber said that the Broken Arrow School Board unanimously approved the request to have the Broken Arrow Economic Development Authority serve as the entity to sell the bonds and act as a trust on behalf of the Broken Arrow Board of Education.

Mr. Stephen L. Smith, President of the Stephen L. Smith Corporation, and consultant for the Broken Arrow Public Schools, on the proposed bond program reviewed a slide presentation that described the proposed Broken Arrow Schools Bond plan which was included in the agenda packet that was provided and is made a part of the record via these minutes. Mr. Terry Hawkins, Bond Council for Broken Arrow Public Schools, responded to Councilor McCaleb regarding the benefits of keeping the dollars here in Broken Arrow and benefits of using local banks. Councilor Carter said this will help

for a motion. City Attonney. Ms. Beth Anne Wilkening. advised that Council vote on each recommendation separately.

Motion: Move to authorize the City Attorney to obtain a title opinion on the property brought to ensure that there is not a dedication clause prohibiting use of the land by entities other than the City

Motion b Philip Tucker

Second b Richard Carter

Ayes: Wade McCaleb. Richard Carter. Craig T7utrmond. Philip Tucker. Mike Lester

Nays: None

Motion: Move to authorize the Acting City Manager to enter into negotiations with FlightSafetv for a contract

Motion b Philip Tucker

Second by: Craig 17hUrniond

Ayes: Wade McCaleb. Richard Carter. Craig T7utrniond. Philip Tucker. Mike Lester

Nays: None

Motion: Move to authorize Development Services Department to immediately start the process of obtaining a change to the Comprehensive Plan and zoning on the site

Motion b Philip Tucker

Second b Wade McCaleb

Ayes: Wade McCaleb. Richard Carter. Craig T7utrniond. Philip Tucker. Mike Lester

Nays: None

Motion: Move to authorize the Engineering and Construction Department to evaluate water line relocation requirements and stormwyater drainage requirements for the site

Motion b Philip Tucker

Second b Richard Carter

Ayes: Wade McCaleb. Richard Carter. Craig T7utrniond. Philip Tucker. Mike Lester

Nays: None

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Motion b Philip Tucker

Second by: Craig TbUrniond

Ayes: Philip Tucker. Richard Carter. Craig T7utrniond. Wade McCaleb. Mike Lester

Nays: None

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all the kids in Broken Arrow. Vice Mayor said he believes this scenario is a win-win situation for the City and the schools. Councilor Thurmond agreed and added that this will help the entire community.

Mr. Wooden followed up with a review of the details provided in the agenda packet Fact Sheet including the attached documentation provided in the agenda packet.

Motion:	Move to approve a request from the Broken Arrow Public School District for the Broken Arrow Economic Development Authority (BAEDA) to serve as the entity to sell the bonds for the upcoming school bond program
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- C. Approve retention of Stoney Creek Hospitality Corporation as the development partner for the conference center project

Item Minutes: Mr. Wooden presented this item according to the details provided in the Fact Sheet and documentation provided in the agenda packet.

Motion:	Move to approve retention of Stoney Creek Hospitality Corporation as the development partner for the conference center project
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Philip Tucker, Wade McCaleb, Mike Lester
Nays:	None

- D. Consideration and possible approval of nominations for the Conference Center project review committee

Item Minutes: Mr. Wooden presented this item according to the details provided in the Fact Sheet and documentation provided in the agenda packet. Mr. Wooden presented this item according to the details provided in the Fact Sheet and documentation provided in the agenda packet. He said the nominees for the Conference Center Review Committee were as follows:

The Mayor has made the following nominations to this committee:

Committee Chairman - The Mayor
City Council Member - Vice Mayor Tucker
Broken Arrow Economic Development Corporation Member - Mickey Thompson
Convention and Visitors Bureau Member - Russell Parker

Citizen Member - Jim Beavers
Citizen Member - John Lare

Ex-Official Member - Jeff Hartman

The Mayor has appointed the Non-Voting Committee Staff as listed:

The City Manager - David L. Wooden
City Attorney's Office Representative - Lesli Myers
The Tourism Director - Lori Hill
The Development Services Director - Michael Skates
The Broken Arrow Chamber of Commerce representative - Kathy Reynolds

Mr. Wooden said this committee would review the type of conference center needed, communicate with citizens on their concerns about a conference center, evaluate locations, evaluate funding options and

all the kids in Broken Arrow. Vice Mayor said he believes this scenario is a yin-yin situation for the City and the schools. Councilor Tlutrmond agreed and added that this will help the entire community. Mr. Wooden followed up with a review of the details provided in the agenda packet Fact Sheet including the attached documentation provided in the agenda packet.

Motion: Move to approve a request from the Broken Arrow Public School District for the Broken Arrow Economic Development Authority (BAEDA) to serve as the entity to sell the bonds for the upcoming school bond program

Motion by Philip Tucker

Second by Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig Tlutrmond. Wade McCaleb. Mike Lester

Nays: None

C. Approve retention of Stoney Creek Hospitality Corporation as the development partner for the conference center project

Item Minutes: Mr. Wooden presented this item according to the details provided in the Fact Sheet and documentation provided in the agenda packet.

Motion: Move to approve retention of Stoney Creek Hospitality Corporation as the development partner for the conference center project

Motion by Richard Carter

Second by: Craig Tlutrmond

Ayes: Richard Carter. Craig Tlutrmond. Philip Tucker. Wade McCaleb. Mike Lester

Nays: None

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Mr. Wooden said this committee would review the type of conference center needed, communicate with citizens on their concerns about a conference center, evaluate locations, evaluate funding options and

Broken Arrow City Council Minutes Page 5 of 5 October 6, 2009

report their findings to the City Council not later than June 1, 2010.

Motion:	Move to approve nominations for the Conference Center project review committee
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

- E. Approval of the East Side Study and direction for preparation of a resolution of adoption

Item Minutes: Councilor Thurmond asked that this item be tabled.

Motion:	Move to table East Side Study Item 9E
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Richard Carter, Craig Thurmond, Philip Tucker, Wade McCaleb, Mike Lester
Nays:	None

- F. Resolution No. 622, a Resolution of the Broken Arrow City Council approving the construction plans and estimates for the 140th Street Assessment District, finding that the construction was in compliance with the plans, and adopting and confirming the final statement of costs

Item Minutes: Mayor Lester said he would recuse himself from this discussion and vote. He left the room.

Ms. Wilkening presented this item as detailed in the Fact Sheet provided in the agenda packet. She summarized saying that on December 19, 2008, City Staff were approached by Mr. Julian Pope, a property owner, requesting consideration for the formation of a Public Improvement Assessment District to extend a waterline from his property between 139th and 140th East Avenues, South of Florence Street.

Ms. Wilkening stated that a public hearing on these improvements was held on April 7, 2009; the City Clerk received two written protests, but that only one actually protested establishment of the assessment district; and, the other was not technically a protest but a proposal from the applicant requesting re-distribution of the costs of the District. Ms. Wilkening said that State statute, provides that if the record owners of more than one-half of the land liable to be assessed do not file a written protest, the Council may cause the improvements to be made; and, the one protest did not meet this criterion. She said that Council approved Resolution 582 on May 5, 2009, and it formally declared the insufficiency of the protests and expressed the Council's determination to proceed with the improvements; and, directed the City Engineer to submit and file detailed plans, profiles, specifications and estimates of probable cause.

Ms. Wilkening stated that Resolution 622 which is before Council this evening approves construction in compliance with the plans and estimates, finds that the construction was accomplished in accordance with the plans and adopts and confirms the final statement of costs. She said that if Council approves Resolution 622, the next step in the process will be preparation of an Assessment Roll and notification of a public hearing.

Motion:	Move to approve Resolution No. 622, a Resolution of the Broken Arrow City Council approving the construction plans and estimates for the 140th Street Assessment District, finding that the construction was in compliance with the plans, and adopting and confirming the final statement of costs
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Craig Thurmond, Richard Carter, Philip Tucker, Wade McCaleb
Nays:	None
Recuse:	Mike Lester

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Motion: Move to approve nominations for the Conference Center project review committee

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Wade McCaleb. Richard Carter. Craig T7utrmond. Philip Tucker. Mike Lester

Nays: None

E. Approval of the East Side Study and direction for preparation of a resolution of adoption

Item Minutes: Councilor Tlutrmond asked that this item be tabled.

Motion: Move to table East Side Study Item 9E

Motion b Richard Carter

Second by: Craig 17hUrniond

Ayes: Richard Carter. Craig Tlutrmond. Philip Tucker. Wade McCaleb. Mike Lester

Nays: None

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Motion by: Craig T'hUrniond

Second b Richard Carter

Ayes: Craig T7utrmond. Richard Carter. Philip Tucker. Wade McCaleb

Nays: None

Recuse: Mike Lester

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- G. Approval of an Architect-Engineer contract with Utley & Associates LLC for a Master Drainage Study for the Adams Creek Watershed

Item Minutes: Mr. Kenny Schwab presented this item stating that the Adams Creek Master Drainage Study is a 2008 General Obligation Bond Project. He stated that twenty-nine A-E firms responded with a letter of interest for the study in March, 2009, and the responses were reviewed by a committee composed of the Broken Arrow Director of Engineering and Construction, Broken Arrow Floodplain Administrator, and Wagoner County Engineer. He said the committee selected Utley & Associates LLC based on their qualifications; and, the negotiated agreement with the A-E firm is a lump sum amount of \$385,850.00. Mr. Schwab explained that through an inter-local agreement with the City of Broken Arrow, Wagoner County is contributing \$50,000.00 towards the study which makes Broken Arrow's portion of the A-E contract \$335,850.00 which is funded from the 2009 bond sale.

Motion:	Move to approve an Architect-Engineer contract with Utley & Associates LLC for a Master Drainage Study for the Adams Creek Watershed
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Richard Carter, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

- H. Approval of the Fiscal Year 2009-10 Agreement with the International Association of Fire Fighters Local # 2551

Item Minutes: Human Resources Director, Mr. Russell Gale, reviewed the details as presented in the Fact Sheet contained in the agenda packet. Mr. Gale said the 2009-2010 Agreement remained the same as the previous year but contained the following changes:

1. A 1% stipend to each bargaining unit member based on the employee's base annual salary as of July 1. In addition the City agreed to grant another 1% stipend if sales tax collections through the first 9 months exceed the prior year collections by 6% or more.
2. Improvement to the Funeral Leave program that ensures it is consistent with other labor agreements.
3. Payment of 1 ½ times an employee's hourly rate if a fire fighter is subpoenaed to testify on an off duty day.
4. An updated Drug and Alcohol Policy that ensures compliance with state law.

Mr. Gale said that all other contract terms remain unchanged from the 2008-09 agreement.

Motion:	Move to approve the Fiscal Year 2009-10 Agreement with the International Association of Fire Fighters Local # 2551
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Wade McCaleb, Mike Lester
Nays:	None

- I. Consideration and possible approval of nomination for reappointment of Patsy Terry to the Convention and Visitor's Bureau with the term ending September 2011

Item Minutes: Mayor Lester asked for a motion regarding the nomination for reappointment of Patsy Terry to the Convention and Visitor's Bureau.

Motion:	Move to approve nomination for reappointment of Patsy Terry to the Convention and Visitor's Bureau with the term ending September 2011
Motion by:	Richard Carter
Second by:	Wade McCaleb
Ayes:	Richard Carter, Wade McCaleb, Craig Thurmond, Philip Tucker, Mike Lester
Nays:	None

G. Approval of an Architect-Engineer contract with Utley & Associates LLC for a Master Drainage Study for the Adams Creek Watershed

Item Minutes: Mr. Kenny Schwab presented this item stating that the Adams Creek Master Drainage Study is a 2008 General Obligation Bond Project. He stated that twenty-nine A-E firms responded with a letter of interest for the study in March, 2009, and the responses were reviewed by a committee composed of the Broken Arrow Director of Engineering and Construction, Broken Arrow Floodplain Administrator, and Wagoner County Engineer. He said the committee selected Utley & Associates LLC based on their qualifications; and, the negotiated agreement with the A-E firm is a lump sum amount of \$385,850.00. Mr. Schwab explained that through an inter-local agreement with the City of Broken Arrow, Wagoner County is contributing \$50,000.00 towards the study which makes Broken Arrow's portion of the A-E contract \$335,850.00 which is funded from the 2009 bond sale.

Motion: Move to approve an Architect-Engineer contract with Utley & Associates LLC for a Master Drainage Study for the Adams Creek Watershed

Motion by Wade McCaleb

Second by Richard Carter

Ayes: Wade McCaleb, Richard Carter, Craig Tlunnond, Philip Tucker, Mike Lester

Nays: None

H. Approval of the Fiscal Year 2009-10 Agreement with the International Association of Fire Fighters Local # 2551

Item Minutes: Human Resources Director, Mr. Russell Gale, reviewed the details as presented in the Fact Sheet contained in the agenda packet. Mr. Gale said the 2009-2010 Agreement remained the same as the previous year but contained the following changes:

1. A 1% stipend to each bargaining unit member based on the employee's base annual salary as of July 1. In addition the City agreed to grant another 1% stipend if sales tax collections through the first 9 months exceed the prior year collections by 6% or more.

2. Improvement to the Funeral Leave program that ensures it is consistent with other labor agreements.

3. Payment of 1 1/2 times an employee's hourly rate if a fire fighter is subpoenaed to testify on an off duty day.

4. An Updated Drug and Alcohol Policy that ensures compliance with state law.

Mr. Gale said that all other contract terms remain unchanged from the 2008-09 agreement.

Motion: Move to approve the Fiscal Year 2009-10 Agreement with the International Association of Fire Fighters Local # 2551

Motion by Philip Tucker

Second by: Craig Tlunnond

Ayes: Philip Tucker, Craig Tlunnond, Richard Carter, Wade McCaleb, Mike Lester

Nays: None

I. Consideration and possible approval of nomination for reappointment of Patsy Terry to the Convention and Visitor's Bureau with the term ending September 2011

Item Minutes: Mayor Lester asked for a motion regarding the nomination for reappointment of Patsy Terry to the Convention and Visitor's Bureau.

Motion: Move to approve nomination for reappointment of Patsy Terry to the Convention and Visitor's Bureau with the term ending September 2011

Motion b Richard Carter

Second b Wade McCaleb

Ayes: Richard Carter. Wade McCaleb. Craig Tlu nnond. Philip Tucker. Mike Lester

Nays: None

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- J. Consideration and possible approval of nomination for reappointment of four Downtown Advisory Board members

Item Minutes: The Mayor asked for a motion regarding nomination for reappointment of Joe Cook, Jeffrey Tomlinson, Naomi Medlock and JoEllen Clow to the Downtown Advisory Board.

Motion:	Move to approve nomination for reappointment of four Downtown Advisory Board members
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- K. Consideration and possible reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow

Item Minutes: Ms. Wilkening presented this item stating that the Judicial Nominating Committee met on September 30, 2009 to consider the positions of Presiding Judge and Alternate Judge of the Broken Arrow Municipal Court. She said the contracts for the sitting Judges expired September 30, 2009 and because time is of the essence, Ms. Wilkening asked that Council to re-appoint the Judges this evening. She said the Committee unanimously voted to recommend that Steven E. Edgar be reappointed Presiding Judge and that Dennis A. Sagely be reappointed as Alternate Judge. She explained that, in accordance with Section 14-6.1 of the Broken Arrow Code, the Mayor may reappoint the sitting Judges or request that the Committee submit the names of three additional nominees for each position. She said the Contracts would be presented at the next Council meeting. Mayor Lester said asked for a motion to reappoint Steven E. Edgar be reappointed Presiding Judge and Dennis A. Sagely as Alternate Judge.

Motion:	Move to approve reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- L. Consideration and appointment of members of the Youth City Council for the 2009-2010 school year

Item Minutes: Councilor McCaleb presented this item stating that the Youth City Council (YCC) was established by the City Council on June 16, 2001, with each City Council member appointing one member and one intern. He said that each year, the previous year's interns, who are now high school seniors take their places on the Youth City Council and the Councilors each recommend an intern for appointment. Councilor McCaleb said that very few inter applications were received and he requested a two week extension to the application period in hopes that more applications would be received. Council agreed that the time extension would be beneficial.

Motion:	Move to approve a two (2) week extension to the application period for the Youth City Council for the 2009-2010 school year
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Philip Tucker, Richard Carter, Mike Lester
Nays:	None

- M. Approval of nomination of Jim Robertson and LaTonya Cundiff to serve as Honorary Mayor and Vice Mayor for Fiscal Year 2009-2010

Item Minutes: Mayor Mike Lester presented his nomination of Jim Robertson as Honorary Mayor and LaTonya Cundiff as Honorary Vice Mayor for Fiscal Year 2009-2010.

J. Consideration and possible approval of nomination for reappointment of four Downtown Advisory Board members

Item Minutes: The Mayor asked for a motion regarding nomination for reappointment of Joe Cook. Jefrv Tomlinson. Naomi Medlock and JoEllen Clow to the Downtown Advisory Board.

Motion: Move to approve nomination for reappointment of four Downtown Advisory Board members

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig Tlutrmond. Wade McCaleb. Mike Lester

Nays: None

K. Consideration and possible reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow

Item Minutes: Ms. Wilkening presented this item stating that the Judicial Nominating Committee met on September 30, 2009 to consider the positions of Presiding Judge and Alternate Judge of the Broken Arrow Municipal Court. She said the contracts for the sitting Judges expired September 30, 2009 and because time is of the essence. Ms. Wilkening asked that Council to re-appoint the Judges this evening. She said the Committee unanimously voted to recommend that Steven E. Edgar be reappointed Presiding Judge and that Dennis A. Sagely be reappointed as Alternate Judge. She explained that, in accordance with Section 14-6.1 of the Broken Arrow Code, the Mayor may reappoint the sitting Judges or request that the Committee submit the names of three additional nominees for each position. She said the Contracts would be presented at the nest Council meeting. Mayor Lester said asked for a motion to reappoint Steven E. Edgar be reappointed Presiding Judge and Dennis A. Sagely as Alternate Judge.

Motion: Move to approve reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Jude for the City of Broken Arrow

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig T7utrniond. Wade McCaleb. Mike Lester

Nays: None

L. Consideration and appointment of members of the Youth City Council for the 2009-2010 school year

Item Minutes: Councilor McCaleb presented this item stating that the Youth City Council (YCC) ryas established by the City Council Oil June 16, 2001, with each City Council member appointing one member and one intern. He said that each year, the previous year's interns, who are now high school seniors take their places on the Youth City Council and the Councilors each recommend an intern for appointment. Councilor McCaleb said that very fey inter applications were received and lie requested a two week extension to the application period in hopes that more applications would be received. Council agreed that the time extension would be beneficial.

Motion: Move to approve a two 2) week extension to the application period for the Youth City Council for the 2009-2010 school year

Motion b Wade McCaleb

Second by: Craig T'llUrniond

Ayes: Wade McCaleb. Craig Tlutrmond. Philip Tucker. Richard Carter. Mike Lester

Nays: None

M. Approval of nomination of Jim Robertson and LaTonya Cundiff to serve as Honorary Mayor and Vice Mayor for Fiscal Year 2009-20 10

Item Minutes: Mayor Mike Lester presented his nomination of Jim Robertson as Honorary Mayor and LaTonva Cundiff as Honorary Vice Mayor for Fiscal Year 2009-2010.

Broken Arrow City Council Minutes Pages of's October 6. 2009

Motion:	Move to approve nomination of Jim Robertson and LaTonya Cundiff to serve as Honorary Mayor and Vice Mayor for Fiscal Year 2009-2010
Motion by:	Craig Thurmond
Second by:	Philip Tucker
Ayes:	Craig Thurmond, Philip Tucker, Richard Carter, Wade McCaleb, Mike Lester
Nays:	None

10. City Manager's Report

A. None

11. Preview Ordinances

Section Minutes: Ms. Wilkening presented this item in accordance with the details provided in the Fact Sheets in the agenda packets. She added that Item 11A is a request by the owners of the property for closing an easement and that staff recommends approval; and, in Item 11B, the owners of the property are requesting partial closure of this easement to address an encroachment on the property and staff recommends approval but it is anticipated that the applicant will be required to execute an indemnification and hold harmless agreement in advance of formal adoption.

Motion:	Move to approve the preview ordinances and to set for adoption at the Council meeting of October 20, 2009
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

- A. An Ordinance closing a utility easement in Lot 1, Block 1 of Williams Brother Constructors Park Amended, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, a resubdivision of Lot 1, Block 1 William Brothers Constructors Park and a Subdivision of Part of Government Lot 2 and Part of the N/2 of the NE/4 all in Section 4, Township 18 North, Range 14 East
- B. An ordinance partially closing a utility easement, indemnity and hold harmless agreement, in Lot 9, Block 4 of Southern Trails Estates
- C. An ordinance amending Chapter 5, Article I, Section 5-22 of the Broken Arrow Code pertaining to Keeping of animals other than dogs and cats; repealing all ordinances to the contrary; and declaring an emergency.
- D. An ordinance amending Chapter 16.5, Article I, Section 16.5-1 of the Broken Arrow Code pertaining to Closing hours for public parks; repealing all ordinances to the contrary; and declaring an emergency.
- E. An ordinance amending Chapter 23, Article I, Section 23-24.1 of the Broken Arrow Code pertaining to Leaving the scene of an accident; repealing all ordinances to the contrary; and declaring an emergency.

12. Ordinances

- A. Adoption of Ordinance No. 3057 modifying Section 1.4.B.7, Table 4.1-4, Section 5.2.E.3.d, Table 5.4.1 and deletion of Section 6.9 of the Broken Arrow Zoning Ordinance

Item Minutes: Ms. Wilkening said this Ordinance was previewed at the September 15, 2009 Council meeting and was presented for adoption as previewed.

Motion:	Move to approve Ordinance No. 3057 modifying Section 1.4.B.7, Table 4.1-4, Section 5.2.E.3.d, Table 5.4.1 and deletion of Section 6.9 of the Broken Arrow Zoning Ordinance
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

Motion: Move to approve nomination of Jim Robertson and LaTonya Cundiff to serve as Honorary Mayor and Vice Mayor for Fiscal Year 2009-2010

Motion by: Craig TbUrniond

Second b Philip Tucker

Ayes: Craig Tlutrmond. Philip Tucker. Richard Carter. Wade McCaleb. Mike Lester

Nays: None

10. City Manager's Report

A. None

11. Preview Ordinances

Section Minutes: Ms. Wilkening presented this item in accordance with the details provided in the Fact Sheets in the agenda packets. She added that Item I I A is a request by the owners of the property for closing an easement and that staff recommends approval: and. in Item I I B. the owners of the property are requesting partial closure of this easement to address an encroachment on the property and staff recommends approval but it is anticipated that the applicant will be required to execute an indemnification and hold harmless agreement in advance of formal adoption.

Motion: Move to approve the preview ordinances and to set for adoption at the Council meeting of October 20, 2009

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig Tlutrmond. Wade McCaleb. Mike Lester

Nays: None

A. An Ordinance closing a utility easement in Lot I. Block I of Williams Brother Constructors Park Amended. an addition to the City of Broken Arrow. Tulsa County. Oklahoma. a resubdivision of Lot I. Block I William Brothers Constructors Park and a Subdivision of Part of Government Lot 2 and Part of the N/2 of the NE/4 all in Section 4. Township 18 North. Range 14 East

B. An ordinance partially closing a utility easement. indemnity and hold harmless agreement. in Lot 9. Block 4 of Southern Trails Estates

C. An ordinance amending Chapter 5. Article I. Section 5-22 of the Broken Arrow Code pertaining to Keeping of animals other than dogs and cats: repealing all ordinances to the contrary: and declaring an emergency.

D. An ordinance amending Chapter 16.5. Article I. Section 16.5-I of the Broken Arrow Code pertaining to Closing hours for public parks: repealing all ordinances to the contrary: and declaring an emergency.

E. An ordinance amending Chapter 23). Article I. Section 23-24.1 of the Broken Arrow Code pertaining to Leaving the scene of an accident: repealing all ordinances to the contrary: and declaring an emergency.

12. Ordinances

A. Adoption of Ordinance No. 3057 modifying Section I.4.B.7. Table 4.1-4. Section 5.2.E.3.d. Table 5.4.1 and deletion of Section 6.9 of the Broken Arrow Zoning Ordinance

Item Minutes: Ms. Wilkening said this Ordinance was previewed at the September 15, 2009 Council meeting and was presented for adoption as previewed.

Motion: Move to approve Ordinance No. 3057 modifying Section 1.4.B.7, Table 4.1-4, Section 5.2.E.3.d, Table 5.4.1 and deletion of Section 6.9 of the Broken

Arrow Zoning Ordinance

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker. Richard Carter. Craig Tlutrmond. Wade McCaleb. Mike Lester

Nays: None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor Thurmond said that he would like to remind everyone that October is Breast Cancer Awareness month.

At 7:50 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

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

At 7:56 p.m., Mayor Lester reconvened the regular session of the City Council meeting.

Motion:	Move to take a short break prior to entering into Executive Session
Motion by:	Wade McCaleb
Second by:	Philip Tucker
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

At 8:08 p.m., Mayor Lester reconvened the regular session.

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

- 14. Executive Session** for the purpose of confidential communications (and possible action following executive session) between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on matters concerning the Tort Claim of Jackie D. Carner, as authorized by 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 claim and potential 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.

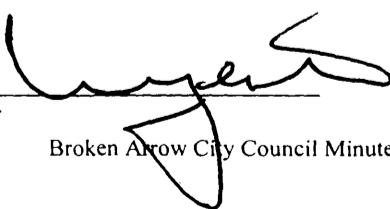
At 8:14 p.m., Mayor Lester reconvened the regular session of the City Council meeting and those attending the meeting were informed that Council Chambers was now open.

Motion:	Move to deny the reconsideration of tort claim filed by Jackie Carner
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Craig Thurmond, Wade McCaleb, Mike Lester
Nays:	None

15. Adjournment

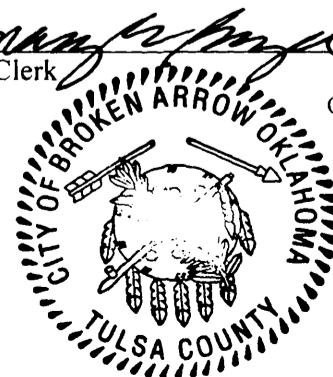
Section Minutes: The meeting adjourned at 8:15 p.m.

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


 Mayor
 Broken Arrow City Council Minutes

Attest:

 City Clerk



13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor Thurmond said that he would like to remind everyone that October is Breast Cancer Awareness month.

At 7:50 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal

Motion: Move to approve recess to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

At 7:56 p.m., Mayor Lester reconvened the regular session of the City Council meeting.

Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion: Move to take a short break prior to entering into Executive Session

Motion b Wade McCaleb

Second b Philip Tucker

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

Nays: None

At 8:08 p.m., Mayor Lester reconvened the regular session.

Motion: Move to enter into Executive Session

Motion b Wade McCaleb

Second b Philip Tucker

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

Nays: None

14. Executive Session for the purpose of confidential communications and possible action following executive session) between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on matters concerning the Tort Claim of Jackie D. Carner, as authorized by 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 claim and potential 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.

At 8:14 p.m., Mayor Lester reconvened the regular session of the City Council meeting and those attending the meeting were informed that Council Chambers was now open.

Motion: Move to den the reconsideration of tort claim filed b Jackie Carner

Motion b Philip Tucker

Second b Richard Carter

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at 8:15 p.m.

Motion: Move to adjourn

Motion b Richard Carter

Second b Philip Tucker

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

Nays: None

Attest:

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