

**BROKEN ARROW CITY COUNCIL MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
December 15, 2009**

6:30 PM

Call to Order

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

2. Invocation

Section Minutes: Reverend Danny Burton of Danny Burton Ministries was present to deliver the Invocation.

3. Roll Call

Present:	Philip Tucker, Richard Carter and Mike Lester
Absent:	Craig Thurmond, Wade McCaleb

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. City Manager, Mr. Dave Wooden, stated that item 5 J and 5O needed to be removed.

Motion:	Move to approve the Consent Agenda except Items 5J and 5O
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

- A. Approval of regular meeting minutes of December 1, 2009
- B. Acceptance of minutes of the Planning Commission meeting held November 19, 2009
- C. Approval of and authorization to execute Budget Amendment Number 7 for Fiscal Year 2009-2010
- D. Approval of and authorization to execute Budget Amendment Number 8 for Fiscal Year 2009-2010
- E. Approval of and authorization to execute an A/E contract with LWPB, LC, for design of a Fire Department Training Tower
- F. Approval of Resolution 630, a Resolution Ratifying Entry of Judgment in the case of the City of Broken Arrow, Oklahoma, a Municipal Corporation v. Stephen Stiger Couch, et al., Tulsa County District Court Case Number CJ-2008-0038, and ratifying execution of all documents to effectuate settlement including a Journal Entry for the Court's Approval
- G. Approval of Resolution 631, a Resolution Ratifying Entry of Judgment in the case of the City of Broken Arrow, Oklahoma, a Municipal Corporation v. Margaret Couch, et al., Tulsa County District Court Case Number CJ-2007-4822, and ratifying execution of all documents to effectuate settlement including a Journal Entry for the Court's Approval
- H. Approval of Resolution 632, a Resolution Ratifying Entry of Judgment in the case of the City of Broken Arrow, Oklahoma, a Municipal Corporation v. Frances Marie Couch, et al., Tulsa County District Court Case Number CJ-2007-4825, and ratifying execution of all documents to effectuate settlement including a Journal Entry for the Court's Approval
- I. Approval of Resolution 633, a Resolution Authorizing Entry of Judgment in the case of the City of Broken Arrow, Oklahoma, a Municipal Corporation v. Charles R. Eitel, deceased, et al., Tulsa County District Court Case Number CJ-

BROKEN ARROW CITY COUNCIL MINUTES

COUNCIL CHAMBERS

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2. Invocation

Section Minutes: Reverend Danny Burton of Danny Burton Ministries was present to deliver the Invocation.

3. Roll Call

Present: lip Tucker

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. City Manager, Mr. Dave Wooden, stated that item 5 J and 50 needed to be removed.

Motion: Move to approve the Consent Agenda except Items 5J and 50

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester

Nays: None

A. Approval of regular meeting minutes of December 1, 2009

B. Acceptance of minutes of the Planning Commission meeting held November 19, 2009

C. Approval of and authorization to execute Budget Amendment Number 7 for Fiscal Year 2009-20 10

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H. Approval of Resolution 632, a Resolution Ratifying Entry of Judgment in the case of the City of Broken Arrow, Oklahoma, a Municipal Corporation v. Frances Marie Couch, et al., Tulsa County District Court Case Number CJ-2007-4825, and ratifying execution of all documents to effectuate settlement including a Journal Entry for the Court's Approval

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Broken Arrow City Council Agenda Page 1 of 7 December 15, 2009

2009-05503, and authorizing execution of all documents to effectuate settlement including a Journal Entry for the Court's Approval

- J. Approval of snow and ice policy
- K. Approval and Authorization of Purchase of Equipment for Data Storage Expansion
- L. Approval of bids received, award of the most advantageous bid, and approval of a construction contract with Builders Unlimited, Inc., for Indian Springs Sports Complex Restrooms and Concessions
- M. Approval of BAZ 1839, 2.32 acres, 1 lot, A-RMH to RMH, east of 209th East Avenue, north of Omaha Street (51st Street)
- N. Approval of SP 85A, Immanuel Lutheran Church, 16.02 acres, 1 lot, RD, RM, and SP 85, one quarter mile south of Kenosha Street (71st Street), west of Aspen Avenue (145th East Avenue) at 400 North Aspen Avenue
- O. Acceptance of utility easement from Cecil R. Lemon for Sierra Apartments - PT04-124 DN07-153 (Omaha Street/5 Street and Aspen Avenue/145th East Avenue) Sec 33 Township 19N Range 14E
- P. Acceptance of a utility easement and Deed of Dedication for right-of-way located on Lot 7 Block 5, Sun City III in the Southwest Quarter of Section 29, Township 19N, Range 14E, from James M. Rhodes and Kathleen Rhodes (S29 T19N R14E)
- Q. Acceptance of a utility easement and Deed of Dedication given by John R. Curtis, owner of property located in southeast quarter of section 3, township 17N, Range 14E
- R. Acceptance of a warranty deed correcting a legal description for an 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, previously approved by Council.
- S. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: Items 5J and 5O were removed from the Consent Agenda.

5J. Approval of snow and ice policy

Item Minutes: City Attorney, Ms. Beth Anne Wilkening, stated that she made some revisions to this item since it was prepared for the agenda packet. She said the changes simply set out the City's responsibilities for legal clarification in the document.

Motion:	Move to approve snow and ice policy
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Mike Lester
Nays:	None

5O. Acceptance of utility easement from Cecil R. Lemon for Sierra Apartments - PT04-124 DN07-153 (Omaha Street/51st Street and Aspen Avenue/145th East Avenue) Sec 33 Township 19N Range 14E

Item Minutes: Mr. Michael Skates, Development Services Director, stated that this item needed to be pulled from the agenda as there were some revisions that needed to be made. Mayor Lester asked for a motion to disapprove.

Motion:	Move to disapprove and pull Item 5O from the agenda
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Mike Lester
Nays:	None

2009-05503, and authorizing execution of all documents to effectuate settlement including a Journal Entry for the Court's Approval

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J. Approval of snow and ice policy

K. Approval and Authorization of Purchase of Equipment for Data Storage Expansion

L. Approval of bids received, award of the most advantageous bid, and approval of a construction contract with Builders Unlimited, Inc., for Indian Springs Sports Complex Restrooms and Concessions

M. Approval of BAZ 1839, 2.32 acres, I lot, A-RMH to RMH, east of 209th East Avenue, north of Omaha Street 51st Street)

N. Approval of SP 85A, Immanuel Lutheran Church, 16.02 acres, I lot, RD, RM, and SP 85, one quarter mile south of Kenosha Street 71st Street), west of Aspen Avenue 145th East Avenue) at 400 North Aspen Avenue

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Motion: Move to approve snow and ice policy

Motion b Richard Carter

Second b Philip Tucker

Ayes: Richard Carter, Philip Tucker, Mike Lester

Nays: None

50. Acceptance of utility easement from Cecil R. Lemon for Sierra Apartments PT04-124 DN07-153 Omaha Street/5I st Street and Aspen Avenue/145th East Avenue) Sec 33 Township 19N Range 14E

Item Minutes: Mr. Michael Skates, Development Services Director, stated that this item needed to be pulled from the agenda as there were some revisions that needed to be made. Mayor Lester asked for a motion to disapprove.

Motion: Move to disapprove and pull Item 50 from the agenda

Motion b Richard Carter

Second b Philip Tucker

Ayes: Richard Carter, Philip Tucker, Mike Lester

Nays: None

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

- A. Public hearing on complaints or objections that may be made concerning the apportionment of lots regarding the waterline improvements on 140th Street Assessment District

Item Minutes: Mayor Lester said he would need to abstain from this item. Ms. Wilkening stated that with Mayor Lester's abstention, there would not be a quorum. Ms. Wilkening added that Councilor McCaleb was expected to arrive later during the meeting. She recommended that this item be tabled until the end of the meeting.

Motion:	Move to table until the end of the meeting
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

- B. Consideration of and possible approval of BACP 106, 38 acres, 1 lot, Levels 3 and 6 to Level 6, southwest corner of Kenosha Street (71st Street) and 9th Street (Lynn Lane/177th E. Avenue)

Item Minutes: Mayor Lester presented this item in accordance with the details contained in the Fact Sheet and attached documents provided in the agenda packet. He said that BACP 106 is a request to amend 38 acres of the Comprehensive Plan Future Development Guide from existing Levels 3 and 6 to proposed Level 6. The unplatted property, which is located on the southwest corner of Kenosha Street and 9th Street (Lynn Lane), is owned by the City of Broken Arrow. The property is presently designated as Levels 3 and 6 in the Comprehensive Plan and is zoned CG, CN, and RM. A new facility for Flight Safety International is proposed to be located on the south part of this property.

Mayor Lester called Ms. Karen Bright. Ms. Bright expressed concern regarding impact on property values and stated that she does not want a large commercial enterprise neighboring her property. Mayor Lester said that the issues of concern to her would need to be addressed at meetings dealing with site plans and staff could keep her informed of any future meetings. He said Council was now considering the change in zoning to allow the development and the specifics of the site plans would arise in the future as the project progresses. Ms. Bright said she just did not want the development next door to her property.

Mr. Blake Harris said he also lived next door to this proposed development. He spoke to Council regarding his concerns about transients that he believed go along with commercial development, and also expressed concerns regarding facility plans, stormwater retention. Mayor Lester said that much of the information requested was not yet known but would be dealt with at future meetings as site plans and other City planning requirements were addressed. The Mayor said that staff would be glad to notify him of these meetings as they are scheduled.

Motion:	Move to approve BACP 106, 38 acres, 1 lot, Levels 3 and 6 to Level 6, southwest corner of Kenosha Street (71st Street) and 9th Street (Lynn Lane/177th E. Avenue)
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

- C. Proclamation recognizing the 2009 Angel Bear Program honorees selected from among those corporations and individuals who contribute to civic and charitable causes

Item Minutes: Mayor Lester stated that this Proclamation honors the Angel Bear Program honorees for humanitarian service of corporate and individual citizens in the community. Mayor Lester read the Proclamation aloud and called Mr. Clint Walden to present each Proclamation on behalf of the 2009 Care Bear Program to each of the organizations and individuals below:

- | | | |
|----------------|--------------------------|--|
| Jerry Ferguson | Dr. Clarence Oliver | Rosita Martin |
| Greg Graham | Kal Desai | Jane Langston |
| Danny Burton | Richard Sampson | Paul Etter |
| Falia Rice | Mike Kirk | United States Marine Corps Toys for Tots |
| Danny Williams | Robert & Margaret Wagner | Broken Arrow Optimist Club |

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Motion: Move to table until the end of the meeting

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester

Nays: None

B. Consideration of and possible approval of BACP 106, 38 acres, 1 lot, Levels 3 and 6 to Level 6, southwest corner of Kenosha Street 71st Street) and 9th Street Lynn Lane/177th E. Avenue)

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Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester

Nays: None

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Greg Graham Kal Desai Jane Langston

Danny Burton Richard Sampson Paul Etter

Falia Rice Mike Kirk United States Marine Corps Toys for Tots

Danny Williams Robert & Margaret Wagner Broken Arrow Optimist Club
Broken Arrow City Council Agenda Page 3 of 7 December 15, 2009

Mr. Walden also presented Care Bears to the Police Department.

Motion:	Move to approve Proclamation recognizing the 2009 Angel Bear Program honorees selected from among those corporations and individuals who contribute to civic and charitable causes
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

D. General presentation of the Community Development Block Grant and HOME Funding programs.

Item Minutes: Mayor Lester called Ms. Claudia Brierre, INCOG, to present this item. Ms. Brierre presented a slide presentation regarding the Community Block Grant and Home Funding programs. No action was required or taken.

E. Police Staffing Committee Presentation and Recommendations

Item Minutes: Major Berryhill and Sergeant John Zoller presented the Staffing Committee Presentation and Recommendations as detailed in the Fact Sheet and documents 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

Section Minutes: None.

9. General Council Business

A. Approval of and Authorization to Execute an Employment Agreement with David L. Wooden

Item Minutes: Ms. Wilkening stated that there is a buyout clause in the contract and that such a clause is standard in city manager contracts. She added that Mr. Wooden will be performing the duties of two positions, the City Manager and the Assistant City Manager and the recommended \$140,000 salary is the minimum base salary the City was authorized to offer to attract a City Manager during the search for a qualified candidate. She said there are additional details covered in the Fact Sheet provided for this item and that if Council should desire to discuss in Executive Session, the opportunity to do so is available on the agenda but Council can take action at this time if desired.

Motion:	Move to table until after Executive Session
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Mike Lester
Nays:	None

B. Consideration and possible approval of Resolution Number 635, a resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in the principal amount of \$4,000,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

Item Minutes: Ms. Wilkening recommended that this item be tabled due to lack of a super majority.

Motion:	Move to table Resolution Number 635
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

Mr. Walden also presented Care Bears to the Police Department.

Motion: Move to approve Proclamation recognizing the 2009 Angel Bear Program honorees selected from among those corporations and individuals who contribute to civic and charitable causes

Motion b Philip Tucker

Second b Richard Carter

Ayes: Phili Tucker, Richard Carter, Mike Lester

Na s: None

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Motion b Richard Carter

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Ayes: Richard Carter, Philip Tucker, Mike Lester

Nays: None

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Item Minutes: Ms. Wilkening recommended that this item be tabled due to lack of a super majority.

Motion: Move to table Resolution Number 635

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester

Nays: None

Broken Arrow City Council Agenda Page 4 of 7 December 15, 2009

- C. Consideration and possible approval of Resolution Number 636 a resolution designating City of Broken Arrow General Obligation Bonds Series 2009C and 2009D as qualified tax-exempt obligations for purposes of Section 265 of the Internal Revenue Code

Item Minutes: Mr. Tom Caldwell, Finance Department Director, presented this item as detailed in the Fact Sheet contained in the agenda packet.

Motion:	Move to approve Resolution Number 636, a resolution designating City of Broken Arrow General Obligation Bonds Series 2009C and 2009D as qualified tax-exempt obligations for purposes of Section 265 of the Internal Revenue Code
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

- D. Approval of Declaration of Covenants Pertaining to Future Street Improvements between AG Equipment Company and the City of Broken Arrow

Item Minutes: Ms. Wilkening presented this item in accordance with the details contained in the Fact Sheet provided in the agenda packet. She added that there is also a License Agreement that will need to be considered at another time because this meeting agenda covers only the Declaration of Covenants. Ms. Wilkening said that Council could vote on the Declaration of Covenants at this meeting.

Motion:	Move to approve Declaration of Covenants Pertaining to Future Street Improvements between AG Equipment Company and the City of Broken Arrow
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- E. Consideration of and possible approval of Policy for Installation of Corrugated Stainless Steel Tubing (CSST)

Motion:	Move to approve Policy for Installation of Corrugated Stainless Steel Tubing (CSST)
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Mike Lester
Nays:	None

10. City Manager's Report

- A. Page-turning software purchase from Zmags

Item Minutes: City Manager, Mr. Dave Wooden, presented his report as provided in the Fact Sheet contained in the agenda packet.

No action was required or taken.

- B. Traffic Signal Update

Item Minutes: General Services Director, Mr. Lee Zirk, presented his report as provided in the Fact Sheet contained in the agenda packet. He introduced Mr. Eric Baker of AEP/PSO who stated that PSO had a reimbursement for the City of Broken Arrow in the amount of \$7,431.61 representing a savings resulting from the use of LED lighting in traffic signals. Mr. Zirk said the City will now study the use of LED lighting in street lights.

No action was required or taken.

C. Consideration and possible approval of Resolution Number 636 a resolution designating City of Broken Arrow General Obligation Bonds Series 2009C and 2009D as qualified tax-exempt obligations for purposes of Section 265 of the Internal Revenue Code

Item Minutes: Mr. Tom Caldwell, Finance Department Director, presented this item as detailed in the Fact Sheet contained in the agenda packet.

Motion: Move to approve Resolution Number 636, a resolution designating City of Broken Arrow General Obligation Bonds Series 2009C and 2009D as qualified tax-exempt obligations for purposes of Section 265 of the Internal Revenue Code

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester

Nays: one

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Motion: Move to approve Declaration of Covenants Pertaining to Future Street Improvements between AG Equipment Company and the City of Broken Arrow

Motion b Richard Carter

Second b Philip Tucker

Ayes: Richard Carter, Philip Tucker, Mike Lester

Nays: None

E. Consideration of and possible approval of Policy for Installation of Corrugated Stainless Steel Tubing (CSST)

Motion: Move to approve Policy for Installation of Corrugated Stainless Steel Tubing (CSST)

Motion b Richard Carter

Second b Philip Tucker

Ayes: Richard Carter, Philip Tucker, Mike Lester

Nays: None

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A. Page-turning software purchase from Zmags

Item Minutes: City Manager, Mr. Dave Wooden, presented his report as provided in the Fact Sheet contained in the agenda packet.

No action was required or taken.

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No action was required or taken.

Broken Arrow City Council Agenda Page 5 of 7 December 15, 2009

11. Preview Ordinances

None

12. Ordinances

- A. Ordinance No. 3054 corrected - An ordinance partially closing a sewer line easement located on Lot 2 Tiger Plaza addition to the City of Broken Arrow

Item Minutes: Ms. Wilkening stated that Ordinance 3054 corrects the legal description and there is an emergency clause for this ordinance.

Motion:	Move to adopt Ordinance No. 3054 corrected - An ordinance partially closing a sewer line easement located on Lot 2 Tiger Plaza an addition to the City of Broken Arrow
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Mike Lester
Nays:	None

Motion:	Move to adopt the Emergency Clause for Ordinance No. 3054 corrected
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Richard Carter, Philip Tucker, Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

There were no remarks or inquiries.

At 7:55 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority (BAMA) meeting. Mayor Lester noted that the Broken Arrow Economic Development Authority meeting was cancelled this evening.

Motion:	Move to recess in order to enter into BAMA
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

Mayor Lester reconvened the regular session of the Council meeting at approximately 7:56 p.m. He asked for a motion to take a short break to clear the room prior to entering into Executive Session.

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

Mayor Lester reconvened the regular session of the Council meeting at 8:06 p.m.

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

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None

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Motion: Move to adopt Ordinance No. 3054 corrected An ordinance partially closing a sewer line easement located on Lot 2 Tiger Plaza an addition to the City of Broken Arrow

Motion b Richard Carter

Second b Philip Tucker

Ayes: Richard Carter, Philip Tucker, Mike Lester

Nays: None

Motion: Move to adopt the Emergency Clause for Ordinance No. 3054 corrected

Motion b Richard Carter

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Ayes: Richard Carter, Philip Tucker, Mike Lester

Nays: None

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Nays: None

Broken Arrow City Council Agenda Page 6 of 7 December 15, 2009

14. **Executive Session** for the purpose of confidential communications for the purpose of discussing the terms of the employment of and an Employment Agreement with David L. Wooden and taking appropriate action as necessary in open session, under 25 O.S. § 307 (B)(1). 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 approximately 8:11 p.m., Mayor Lester reconvened the regular Council Session and the room was opened for the public in attendance.

Mayor Lester returned to Item 7A which was tabled until Councilor McCaleb arrived.

- 7A. Public hearing on complaints or objections that may be made concerning the apportionment of lots regarding the waterline improvements on 140th Street Assessment District

Ms. Wilkening noted that Councilor McCaleb was not able attend the meeting. She recommended that the public hearing be tabled due to lack of the necessary super majority which in this case required a minimum of 4 councilors present. She added that she will prepare another resolution requesting to set a public hearing and all procedures would be repeated, including publication of notice of public hearing. Ms. Wilkening stated she would prepare the resolution for Council consideration at the January 5, 2009.

Motion:	Move to table public hearing on complaints or objections that may be made concerning the apportionment of lots regarding the waterline improvements on 140th Street Assessment District
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

Mayor Lester returned to Item 9A which was tabled for discussion in Executive Session.

- 9A. Approval of and Authorization to Execute an Employment Agreement with David L. Wooden

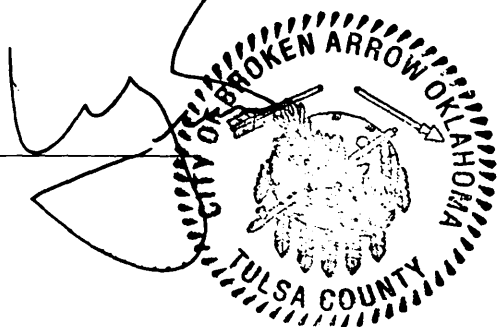
Motion:	Move to approve and authorize Execution of an Employment Agreement with David L. Wooden
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester
Nays:	None

15. **Adjournment**

Section Minutes: The meeting adjourned at 8:14 p.m.

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

Mayor



Attest:

[Signature]
City Clerk

14. Executive Session for the purpose of confidential communications for the purpose of discussing the terms of the employment of and an Employment Agreement with David L. Wooden and taking appropriate action as necessary in open session, under 25 O.S. 307 B)(1). 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 approximately 8:11 p.m., Mayor Lester reconvened the regular Council Session and the room was opened for the public in attendance.

Mayor Lester returned to Item 7A which was tabled until Councilor McCaleb arrived.

7A. Public hearing on complaints or objections that may be made concerning the apportionment of lots regarding the waterline improvements on 140th Street Assessment District

Ms. Wilkening noted that Councilor McCaleb was not able attend the meeting. She recommended that the public hearing be tabled due to lack of the necessary super majority which in this case required a minimum of 4 councilors present. She added that she will prepare another resolution requesting to set a public hearing and all procedures would be repeated, including publication of notice of public hearing. Ms. Wilkening stated she would prepare the resolution for Council consideration at the January 5, 2009.

Motion: Move to table public hearing on complaints or objections that may be made concerning the apportionment of lots regarding the waterline improvements on 140th Street Assessment District

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester

Nays: None

Mayor Lester returned to Item 9A which was tabled for discussion in Executive Session.

9A. Approval of and Authorization to Execute an Employment Agreement with David L. Wooden

Motion: Move to approve and authorize Execution of an Employment Agreement with David L. Wooden

Motion b Philip Tucker

Second b Richard Carter

Ayes: Philip Tucker, Richard Carter, Mike Lester

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at 8:14 p.m.

Motion: Move to adjourn

Motion b Philip T cker

Second b Richar Carter

Ayes: Phili Tucker, Richard Carter, Mike Lester

Nays: No e

Mayor

Attest:

Broken Arrow City Council Agenda Page 7 of 7 December 15, 2009