

BROKEN ARROW CITY COUNCIL MINUTES
May 5, 2009

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, May 05, 2009, at 6:30 p.m.

1. Call to Order

Section minutes: Mayor Lester called the meeting to order at the noted time of 6:30 p.m.

2. Invocation

Section minutes: There was no one present to deliver an Invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Section minutes: Councilor Thurmond with Cub Scout Troop 920 led those present in the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section minutes: Mayor Lester requested that items 5C and 5G be removed from the Consent Agenda. Mayor Lester asked for a Motion to approve the Consent Agenda except for items 5C and 5G.

- A. Approval of the regular meeting minutes of April 21, 2009
- B. Acceptance of the minutes of the Planning Commission meeting held April 9, 2009.
- C. Ratify Proclamation declaring May 4 - 8, 2009 as "Teacher Appreciation Week", in the City of Broken Arrow
- D. Approval of and authorization to execute Amendment No. 1 to Portland Cement Concrete Street Repairs contract exercising Option to extend for one year
- E. Approval of and authorization to execute a Memorandum of Understanding concerning wireless fee remissions between Indian Nations Council of Governments and the City of Broken Arrow
- F. Approval and authorization of purchase of equipment for Server Virtualization and Data Storage Expansion
- G. Approval of bids received and award of the most advantageous bid to Ira M. Green Construction Co. for Elm Place Extension: FAA Site to Omaha Street
- H. Approval of bids received and award of the most advantageous bid to Range Systems for the Police Department Shoot House
- I. Approval of bids received and award of the most advantageous bid for two tree and brush mower attachments
- J. Approval of PT03-123A, conditional final plat, Eagle Ridge Village Phase II, 5.39 acres, 1 lot, R-3/PUD 140, one-quarter mile north of Albany Street (61st Street), east of Elm Place (161st East Avenue). Approval of PT03-123A, conditional final plat, Eagle Ridge Village Phase II, 5.39 acres, 1 lot, R-3/PUD 140, one-quarter mile north of Albany Street (61st Street), east of Elm Place (161st East Avenue).
- K. Approval of PT07-105, conditional final plat, Fairfield Farms II, 4.53 acres, 5 lots, C-5, and I-1/PUD 200, south of southwest Expressway Drive, one-half mile east of Aspen Avenue (145th East Avenue).

- L. Approval of PT08-122, conditional final plat, Coach Port, 7.18 acres, 1 lot, IL/PUD 193, one-half mile south of Washington Street (91st Street), one-half mile west of Evans Road (225th East Avenue)
- M. Acceptance of a Temporary Construction Easement from James & Peggy Crain (S28 T18N R14E)(Project: ST0533)
- N. Acceptance of a General Warranty Deed from James & Peggy Crain (S28 T18N R14E) (Project: ST0533)
- O. Acceptance of a General Warranty Deed from Brookdale Senior Living Communities, Inc (S28 T18N R14E)(Project: ST0533)
- P. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Motion:	Move to approve Consent Agenda except Items 5C and 5G
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- 5C. Ratify Proclamation declaring May 4 - 8, 2009 as "Teacher Appreciation Week", in the City of Broken Arrow

Item minutes: The Mayor commented that the Proclamation for "Teacher Appreciation Week" recognizes both Broken Arrow and Union school districts as well as all the teachers for jobs well done.

Motion:	Move to Ratify Proclamation declaring May 4 - 8, 2009 as "Teacher Appreciation Week", in the City of Broken Arrow
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- 5G. Approval of bids received and award of the most advantageous bid to Ira M. Green Construction Co. for Elm Place Extension: FAA Site to Omaha Street

Mayor Lester asked for a motion to table Item 5G.

Motion:	Move to table Item 5G, Approval of bids received and award of the most advantageous bid to Ira M. Green Construction Co. for Elm Place Extension: FAA Site to Omaha Street
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

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

Appeal: Consideration of a request for waiver and relief from the Broken Arrow Municipal Code Sec. 24-104 requiring the connection of the private sewer system to the public sewer system for properties located at 2103 and 2111 S 1st Place.

Section minutes: Mr. Michael Skates, Development Services Director, presented this Item consistent with the Fact Sheet provided in the Agenda packet. Mayor Lester said that the City mistakenly approved the septic system during the initial permitting process and the property owners and builder had proceeded based on these approvals. Mayor Lester said that based on these circumstances, it was fair to grant the waiver and relief from Municipal Code 24-104.

Motion:	Move to grant a waiver and relief from Broken Arrow Municipal Code Sec. 24-104 requiring the connection of the private sewer system to the public sewer system for properties located at 2103 and 2111 S 1st Place
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

Mayor Lester said that, although it was not yet 7:00 p.m. (noted time was 6:40 p.m.), Council would take Item 8 next since there was only one person signed up to speak.

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

Section minutes: Mr. Buck Orrell, 9103 South Lynn Lane, addressed Council with concerns about a recent stormwater bill that charged him for stormwater and billing maintenance over the past three years. Mr. Orrell said he had never received a bill for stormwater costs before and receiving a bill for over \$800 dollars 3 years late was not acceptable. Mayor Lester mentioned that his business had also received a bill for past stormwater costs and the City is trying to bring these billings up to date.

Councilor McCaleb asked Mr. Orrell how long his property has been within the City limits. Mr. Orrell said his area was annexed about 5 years ago. Councilor McCaleb explained that state law allows the billing the 3years. He added that the City was trying to recoup the costs of stormwater management and said the City might be able to work out payments so that Mr. Orrell’s balance is not due all at once.

No action was required or taken.

Mayor Lester now returned to General Council Business, Item 9A.

At approximately 7:00 p.m., Mayor Lester returned to Item 8 because another citizen request to speak was received at approximately 6:50 p.m.

The Mayor called Jennifer Miller, 3834 South 201st E. Ave. in Broken Arrow. Ms. Miller spoke regarding Glen Eagles flooding. She stated that the recent rains caused water to come within two inches of flooding their house, and she is concerned because there seems to be no relief from threat of flooding in her neighborhood in spite of the work being done in Steeple Chase.

Assistant City Manager, Mr. Dave Wooden, stated that the stormwater control work started downstream and was working its way toward the detention facility at Glen Eagles where an additional 60 inch pipe would be installed. Mr. Wooden said the current rainy weather is slowing progress, but the completed work downstream is helping to control flooding already. He added that completion of the additional pipe installation at the detention pond should correct the flooding problems in Glen Eagles.

Mr. Miller stated that the stress and worry that their house will flood is affecting his wife to the point that she will not leave the house during rains. He requested more information about the work, current status and what remains to be done so he can understand why it is taking so long. Mayor Lester recommended that the Millers make an appointment with City staff to discuss the project status and take a look at the project plan and timetable. The Millers agreed.

No action was required or taken.

Mayor Lester returned to Item 9B.

9. General Council Business

- A.** Approval of and authorization to execute a Resolution declaring that the protests to the improvements to the waterline and water system along 140th East Avenue from Florence Street (111th Street South) extending approximately 1/2 mile south, were insufficient, expressing the determination of the Council to proceed with the improvements and requiring the City Engineer to submit and file detailed plans, profiles, specifications, and estimates of probable cost

Item minutes: The Mayor recused himself from participation in discussion or voting on this item. He asked Vice Mayor Tucker to handle this item and left the room. City Attorney, Ms. Beth Ann Wilkening, presented details for this item consistent with the Fact Sheet provided in the Agenda packet. Mr. David Graves, 8121 S Florence Place, said that he represented Julian Pope, one of the group of landowners in the assessment district who are willing to pay the assessment fees based on the percentages proposed by the landowner group. Mr. Graves said that Mr. Pope was out of town but asked him to get some clarification regarding the status of the proposal made by these property owners. He said the objective of the proposal was to prevent hardship on the other property owners within the project area. Ms. Wilkening said City staff is working closely with Mr. Pope, and she sees no reason the request would not be honored.

Motion:	Move to approve and authorize execution of Resolution 582 declaring that the protests to the improvements to the waterline and water system along 140th East Avenue from Florence Street (111th Street South) extending approximately 1/2 mile south, were insufficient, expressing the determination of the Council to proceed with the improvements and requiring the City Engineer to submit and file detailed plans, profiles, specifications, and estimates of probable cost
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker
Nays:	None

Mayor Lester returned to the meeting room.

Mayor Lester said that it was nearing 7:00 p.m., and Council would return to Item 8 because another citizen request to speak was turned into the City Clerk.

- B.** Consideration of and authorization to execute a Resolution of the City Council of the City of Broken Arrow designating \$599,596.00 from the sales tax capital improvement fund as a result of savings in the project widening Elm Place from the FAA Tower to Omaha as economic Development funds to be used for the purpose of acquiring certain real property located North of the Creek Turnpike on the East side of Aspen Avenue for purposes of certain Oklahoma Turnpike Authority Creek Turnpike facilities; authorizing the transfer of said funds, together with \$452,811.00 resulting from the termination of the defined benefit plan for retirees of the City of Broken Arrow previously designated as economic development funds for like purposes under Resolution Number 578, to the Broken Arrow Economic Development Authority for the purpose of its acquiring a certain 20.23 acre tract of land located North of the Creek Turnpike and East of Aspen Avenue; ratifying all previous fund transfers related thereto; and approving budget amendment number 12 for such purposes

Item minutes: City Manager, Mr. Jim Twombly, presented this Item consistent with the Fact Sheet provided in the Agenda packet. Councilor McCaleb asked if the City will now have the funds to proceed with the purchase. Mr. Twombly replied yes.

Motion:	Move to approve Resolution 583, a Resolution of the City Council of the City of Broken Arrow designating \$599,596.00 from the sales tax capital improvement fund as a result of savings in the project widening Elm Place from the FAA Tower to Omaha as economic Development funds to be used for the purpose of acquiring certain real property located North of the Creek Turnpike on the East side of Aspen Avenue for purposes of certain Oklahoma Turnpike Authority Creek Turnpike facilities; authorizing the transfer of said funds, together with \$452,811.00 resulting from the termination of the defined benefit plan for retirees of the City of Broken Arrow previously designated as economic development funds for like purposes under Resolution Number 578, to the Broken Arrow Economic Development Authority for the purpose of its acquiring a certain 20.23 acre tract of land located North of the Creek Turnpike and East of Aspen Avenue; ratifying all previous fund transfers related thereto; and approving budget amendment number 12 for such purposes
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- C. Consideration of and authorization to execute a Resolution authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Wylie J. Neal and Linda J. Neal, et al. Tulsa County District Court

Item minutes: Ms. Wilkening presented this item consistent with the Fact Sheet provided in the Agenda packet. She added that it is not cost effective nor is it a benefit to the city to continue the case, and recommended that Council approve the Resolution and authorize the City Attorney execute the Entry of Judgment.

Motion:	Motion to approve Resolution 585, authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Wylie J. Neal and Linda J. Neal, et al. Tulsa County District Court
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- D. Consideration of and authorization to execute a Resolution authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Owasso Land Trust, L.L.C., Tulsa County District Court Case Number CJ-2009-946 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. Section 158

Item minutes: Ms. Wilkening presented this item consistent with the Fact Sheet provided in the Agenda packet. She added that it is not cost effective nor is it a benefit to the city to continue the case, and recommended that Council approve Resolution and authorize the City Attorney execute the Entry of Judgment.

Motion:	Motion to approve Resolution 586, authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Owasso Land Trust, L.L.C., Tulsa County District Court Case Number CJ-2009-946 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. Section 158
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- E. Consideration of and authorization to execute a Resolution authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County District Court Case Number CJ-2007-7889 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. Section 158

Item minutes: Ms. Wilkening presented this item consistent with the Fact Sheet provided in the Agenda packet and recommended that Council approve an out of court settlement because a jury trial would be more costly.

Motion:	Motion to approve Resolution 587, authorizing the City Attorney to agree to entry of judgment in the case of the City of Broken Arrow, Oklahoma v. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County District Court Case Number CJ-2007-7889 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. Section 158
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

Mayor Lester said Council would return to Item 8 as the time is nearing 7:00 p.m. and another citizen request to speak was given to the City Clerk.

- F. Approval of and authorization to execute a Resolution establishing the necessity of improvements to the sanitary sewer system of Arrow Acres located south of Washington Street and bounded on the east and west by 1st Place and Main Streets, and directing the Municipal Engineer to prepare and file preliminary construction plans

Item minutes: Ms. Wilkening presented this item consistent with the Fact Sheet provided in the Agenda packet and explained that the improvements to the sanitary sewer system were in response to a citizen petition submitted by Markus Kaspereit and signed by citizens from the Arrow Acres subdivision. They requested via petition that the City establish a sanitary sewer assessment district for their neighborhood.

Motion:	Motion approve Resolution 588, establishing the necessity of improvements to the sanitary sewer system of Arrow Acres located south of Washington Street and bounded on the east and west by 1st Place and Main Streets, and directing the Municipal Engineer to prepare and file preliminary construction plans
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- G. Consideration of and approval for the Mayor to execute an official ballot from the Oklahoma Municipal Assurance Group to fill two Trustee positions for 3-year terms

Item minutes: Mayor Lester stated the item had been tabled at the April 21, 2009 meeting in order to allow time for Council to review the ballot.

Motion:	Motion to authorize the Mayor to execute an official ballot from the Oklahoma Municipal Assurance Group to fill two Trustee positions for 3-year terms
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- H. Consideration and approval of nominations to fill two vacancies on the Board of Adjustment created by the expiring terms of Rene' L. Ray and Stanley Evetts.

Item minutes: Mayor Lester said this item was tabled at the April 21, 2009 Council meeting. Mayor Lester stated that he contacted both Rene' Ray and Stanley Evetts and both wish to be re-nominated. Mayor Lester said he spoke with Ms. Ray about her absences from meetings, and she said she had been dealing with back problems and felt that would not be an issue if re-appointed for another term. The Mayor said he also spoke to another person interested in serving on the Board. Councilor Thurmond said there is an attendance requirement and added that members must be able to meet the attendance requirement to be qualified for re-nomination. Ms. Wilkening recommended that Council move forward with the re-nomination of Mr. Evetts, and added that she will research the attendance policy and discuss with Planning Division Manager, Farhad Daroga.

Motion:	Motion to approve nomination of Stanley Evetts to serve another term on the Board of Adjustment
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- I. Consideration and approval of nominations to fill five (5) lay member positions to serve on the Judicial Nominating Committee

Item minutes: Mayor Lester asked Ms. Wilkening to present this item. Ms. Wilkening recommended that Council table this item to allow time to review and simplify the wording of the ordinance pertaining to the Judicial Nominating Committee. She said the ordinance needed to be updated with a better clarification of the process and role of this Committee. She added that she will report to Council at a future meeting regarding the positions that need to be filled. Ms. Wilkening added that there has been no activity for the Committee because the municipal judges' contracts do not expire until October 2009. She said the Committee will be in place and ready to go in plenty of time.

Motion:	Motion to table Item 9F, Consideration and approval of nominations to fill five (5) lay member positions to serve on the Judicial Nominating Committee
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

- J. Consideration and approval of re-appointment of Fred Dorrell, Ricky Jones and Jack Keeling to fill three vacancies on the Planning Commission.

Item minutes: Mayor Lester asked for a Motion to re-appoint.

Motion:	Motion to approve re-appointment of Fred Dorrell, Ricky Jones, and Jack Keeling to fill three vacancies on the Planning Commission
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

10. City Manager's Report

- A. Employee Survey

Item minutes: Mr. Twombly presented this item consistent with the Fact Sheet and Report provided in the Agenda packet.

No action was required or taken.

B. Green Plan – Utilities and New Facilities

Mr. Twombly introduced this item consistent with the Fact Sheet. Mr. Skates presented the “Private Development Green Plan” report and Mr. Paul Rhodes, Utilities Director, presented the “Utilities Department Environmental Action Plan” report. Both reports are attached to the Fact Sheet in the Agenda packet.

No action was required or taken.

11. Preview Ordinances

- A. **An Ordinance amending Chapter 12, Article II. of the Broken Arrow Code, Collection by City, Section 12-25, Charges generally; minimum rate charge; monthly rates for residential customers; repealing all ordinances to the contrary, and declaring an emergency**
- B. **An Ordinance amending the Broken Arrow Nuisance Code, Chapter 15; Repealing all ordinances to the contrary, and declaring an emergency**
- C. **An Ordinance amending the Broken Arrow Code Section 10-3(e)(2), prohibiting the manufacture, sale, and use of fireworks within the City; providing for exceptions under permit; providing for conditions for the permits; providing for penalties; requiring adult supervision in the use of permits; repealing all ordinances to the contrary; and declaring an emergency**

Item minutes: Ms. Wilkening brought to the attention of Council that fireworks permits will not be sold on Friday, July 3, 2009 because City offices will be closed for the 4th of July holiday which falls on a Saturday this year. Councilor Tucker asked if there were other locations where permits could be sold such as convenience stores. Police Chief, Todd Wuestewald, said it would be problematic to adequately regulate and oversee the permit sales if sold at other locations.

Motion:	Move to forward preview ordinances to the next agenda for possible adoption.
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

12. Ordinances

Section minutes: Ms. Wilkening said that Ordinance Nos. 3032 and 3033 do not require the emergency clauses because both Ordinance 3032 and 3033 will become effective on July 1, 2009 when the rate increases occur. Ms. Wilkening added that Ordinance Nos. 3030, 3034, 3035, remain as they were previewed at the April 21, 2009 Council meeting, and there were no changes since that time.

- A. **Ordinance No. 3030 An Ordinance amending the Broken Arrow Code Chapter 2, Employee Rules and Regulations, Section 2-150, Standards of Conduct; Repealing all ordinances to the contrary, and declaring an emergency**
- B. **Ordinance No. 3032 An Ordinance amending Chapter 21, Streets and Sidewalks, Article I, In General, Section 21-14, Streetlight Fee, and declaring an emergency**

Item minutes: Ms. Wilkening reiterated that she will remove the emergency clause on this Ordinance because it will not take effect until July 1, 2009.

- C. **Ordinance No. 3033 An Ordinance amending the Broken Arrow Code Sections 25-102, 25-501 and 25-601 revising a system of stormwater management service charge credits, by amending the utility rate and other fee structures, repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency**

Item minutes: Ms. Wilkening reiterated that the emergency clause will be removed from this Ordinance because it will take effect July 1, 2009.

D. Ordinance No. 3034 An Ordinance amending Chapter 24, Water, Sewers and Sewage Disposal, Article VI Water Service Charges and Rates, and Article VII Sewer Service Charges and Rates; repealing all ordinances to the contrary and declaring an emergency

Item minutes: Councilor McCaleb stated that he disagreed with raising these rates because it could create a hardship for senior citizens. Councilor Thurmond said the rate increase should have been a gradual increase over the years, but added that in view of the current financial situation that the City is experiencing, he understands the necessity of the current rate increase as proposed.

E. Ordinance No. 3035 An Ordinance repealing Ordinance No. 1757 amending the Broken Arrow Code, Chapter 2, Section 2-59 adopting the state minimum standards for keeping subsequent destruction of municipal records; repealing all ordinances to the contrary and declaring an emergency

Councilor McCaleb asked to take the vote on Ordinance 3034 separately.

Motion:	Move to adopt Ordinance Nos. 3030, 3032, 3033, 3035
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt the Emergency Clause of Ordinance Nos. 3030, 3032, 3033, 3035
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Motion:	Move to adopt Ordinance No. 3034
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester,
Nays:	Wade McCaleb

Motion:	Move to adopt the Emergency Clause of Ordinance No. 3034
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester,
Nays:	Wade McCaleb

13. Remarks and Inquiries by Governing Body Members

Section minutes: Councilor Tucker recognized Cub Scout Troop 920 and commended them for staying through the entire meeting.

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

The Mayor reconvened the regular session at 7:57 p.m.

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

The Mayor reconvened the regular session at 8:08 p.m.

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

14. **Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City's Attorney for the purpose of conferring on contract negotiations concerning the IAFF, CWA and FOP employee groups under 25 O.S. § 307(B)(2); and the appraisal and potential purchase of real property located north of Albany and east of Elm Place and real property located west of 1st Street and south of El Paso, under 25 O.S. § 307(B)(3). The Council is advised that disclosure will seriously impair the ability of the public body to process this pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.**

The Mayor reconvened the regular session at 9:05 p.m.

Motion:	Motion to authorize the City Attorney to continue negotiations for the potential purchase of land located north of Albany and east of Elm Place in accordance with Council direction
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Mike Lester
Nays:	Philip Tucker

Motion:	Motion to authorize the City Manager to continue discussions on the appraisal and potential purchase of property located west of First Street and South of El Paso
Motion by:	Philip Tucker
Second by:	Richard Carter
Ayes:	Wade McCaleb, Craig Thurmond, Richard Carter, Philip Tucker, Mike Lester
Nays:	None

No further action was required or taken.

15. **Adjournment**

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

The meeting was adjourned at the noted time of 9:06 p.m.

Mayor

City Clerk

