

**BROKEN ARROW CITY COUNCIL MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
February 7, 2012**

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: Chaplain Manganero was present to deliver an invocation.

3. Roll Call

Present:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Absent:	None

4. Pledge of Allegiance to the Flag

Section Minutes: Boy Scout Troop 516 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.

Motion:	Move to approve the Consent Agenda as presented
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- A. Approval of the meeting minutes of January 17, 2012
- B. Approval of Workers' Compensation Court Order for Roger Stubbs, General Services Department Employee
- C. Approval of and authorization to execute a Work Payment Agreement with Public Service Company of Oklahoma to relocate power poles for construction of Hillside Drive West of 9th Street
- D. Approval and award of quotes for proposed 911 system upgrades from Priority Dispatch and Sungard
- E. Approval of bids received, award of the lowest and best bid to R.L. Hensley Construction, Inc., and approval and authorization to execute a construction contract for Wolf Creek Drainage Improvements
- F. Notification of Contracts, Change Orders, Quantity Changes and Work Orders with a value of less than \$25,000 on Engineering and Construction Contracts since the last City Council Meeting
- G. Consideration and Approval of Major Change Order MC01 for the Interchange at the Creek Turnpike and Aspen Ave
- H. Approval of Change Order MQ01 for Country Aire Estates IV & VI Milling and Overlay, project located South of Kenosha Street and East of Olive Avenue, within the Western Half of Section 9, Township 18, Range 14
- I. Approval of and authorization to execute Work Order No. WO6 to Portland Cement Concrete Street Repair contract for sidewalks on 9th Street from Omaha to Albany

- J. Ratify execution of a Right of Way Agreement (easement) to Oklahoma Natural Gas Company over a City easement to provide gas service for an emergency generator at Indian Springs Lift Station
- K. Acceptance of a Deed of Dedication and Utility Easement located in a tract of land belonging to Halle Properties, LLC, located on Lot 2, Blocks 1, 2 and 3, just west of 9th Street (Lynn Lane) and south of Kenosha Street (71st Street), Broken Arrow (NW/4 Section 11, T18N, R14E) (PUD-211/ST11-133)
- L. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items removed from the Consent Agenda. No action was required or taken.

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

Section Minutes: There were no public hearings, appeals, presentations, recognitions, awards or oaths.

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

Section Minutes: No one signed up to speak under this Item (Agenda Item 8). The Mayor stated that there were speakers this evening but they had signed up under other Agenda items.

9. General Council Business

- A. Consideration, discussion, and possible action on the proposed Kialegee Tribal Town Red Clay Casino at the southwest corner of Florence and Olive, including the provision of municipal services and coordination with State and Federal authorities

Item Minutes: City Manager, Mr. Dave Wooden stated that the City Council at the January 3, 2012 meeting, directed City staff to communicate their displeasure of the proposal to locate a casino on the southwest corner of Florence and Olive and to seek the cessation of construction by the Kialegee Tribal Town and their developers. He said that City staff informed the Kialegee Tribal Town and their developer that the City wanted them to stop construction until the legality of the casino was established. Mr. Wooden said that the Kialegee Tribal Town and their developer informed the City that the casino was legal and that since the land in question was governed by the rules of the sovereign Kialegee Tribal Town, they did not have to stop construction.

Mr. Wooden said that Council also directed City staff to continue to work with the office of the Oklahoma Attorney General, and Mr. Wooden quoted Council's motion which was made following Executive Session at the February 7, 2012 meeting as follows: "If the legality of the casino transactions are in question, move to request the Attorney General to take all necessary action to oppose the casino transactions until the legality has been established". Mr. Wooden said that the City Attorney, Ms. Beth Anne Wilkening, had been coordinating with the Attorney General's office and that at 4:30 p.m., the Attorney General's office forwarded three actions regarding the casino matter, and which will be filed by the Attorney General tomorrow. Mr. Wooden said that the Agenda Fact Sheet outlined the items that a contract would address, but added that the City has not been in negotiations for some time, and there will be no further negotiation until such time as the Court rules. Mr. Wooden stated that if the Court rules that there is legal right for the casino to be on the land in question, then the City will have to move forward with negotiations at that time.

Mr. Wooden added that a citizen request was received to add two ordinances to this agenda. He said the ordinances will be on the next Council agenda added that the City Attorney has a few comments. City Attorney, Ms. Beth Anne Wilkening said she received a copy of draft ordinances forwarded to her by the City Clerk at 1:38 p.m. on the preceding Friday. She said that the City's practice is that ordinances go to Council for a first reading, or preview, in order to give Council an opportunity to comment; and, after that, the ordinance is placed on the next agenda for final adoption. Ms. Wilkening said she was concerned about the verbiage of the ordinances she received and one concern is potential violation of the equal protection clause under the Fourteenth Amendment. She said she consulted with outside counsel but had little time so she will continue to review and work on these ordinances. Ms. Wilkening said she understands the desire of the drafters to gain accountability and to be sure that services are provided to individuals who have a lawful right to be on the land, but she wanted to be sure that the ordinances were

enforceable from a City stand point; and, that if passed as written, these ordinances would put a tremendous burden on staff in order to enforce them. She added that the State is seeking to determine if the Kialegee Tribal Town exercises governmental power and has the ability to have gaming.

Councilor Parks asked if a separate contract would still address the issues of concern if the ordinances were passed. Ms. Wilkening said that in the event the District Court issues a ruling that the Tribe and that gaming activities are legal, and assuming the Bureau of Indian Affairs does not say otherwise, at that point in time, the City would need to have a separate contract for provision of services and the City's concern would be to assure maximum safety by making sure building codes are met and that facilities are safe for firefighters who would have to enter in case of fire, as well as traffic safety, and assuring the welfare and safety of all citizens by requiring safe water and sewer services.

Councilor Norman asked what Ms. Wilkening meant by the increase in work for staff. Ms. Wilkening said that the way the ordinances are written, they would require staff to verify that every individual or business applying for water service had a legal right to inhabit a house or property; and, that staff would have to spend time verifying leases, contacting mortgage holders to verify bank letters and verifying all permits and licenses of business owners obtained from agencies other than the City, such as the Health Department. Councilor Thurmond said that at this point, there are no negotiations with any entity on the proposed casino land.

Mayor Lester called the first speakers and said that Mr. Cawley and Mr. Martinek would have a total of 10 minutes to speak and they could divide this time between them.

Mr. Jarod Cawley addressed Council said that he respectfully requested that the submitted ordinances receive a yes or no vote at the Council meeting this evening. He said that the comments regarding violation of the Fourteenth Amendment were nonsense, and that the ordinances clearly applied to all people. Mr. Cawley said that Council has stated they have to represent all citizens of Broken Arrow, and he wanted to point out that the Citizens Against Neighborhood Gaming had obtained 8,500 petition signatures against the casino. He said that these individuals did not want a casino and wanted the submitted ordinances to be passed. Mr. Cawley said that the signatures were significant when compared to the number of votes that elected Mayor Lester and the City Manager which Mr. Cawley said amounted to 3,500 votes for Mayor Lester and that zero votes obtained the City Manager his job.

Mr. Rob Martinek said that concerns about the Fourteenth Amendment in regards to the submitted ordinances were ludicrous and preposterous. Mr. Martinek said that he recognized that Councilors Thurmond, Carter, Norman and Parks had met with the City Manager, the Mayor and the City Attorney and discussed how they intended to vote even before the Attorney General announced his actions. He said that even with the Attorney General's actions, citizens want the ordinances passed. Mr. Martinek said that given that the City Attorney, City Manager and City Council mismanaged this entire issue, given the foreknowledge of the casino, the unpreparedness and the expressed intent to contract with trespassers was appalling. Mr. Martinek asked that the City Attorney, the City Manager and Mayor Lester step down and tender their resignations.

Councilor Parks said that he had a statement and asked Mr. Martinek to return to the podium. Councilor Parks stated to Mr. Martinek that he had better be very careful about whom he said had meetings about a vote. Councilor Parks said he does not meet with anybody about his votes. Councilor Parks stated to Mr. Martinek that he could make his statements but that he better make sure of what he was saying by making these accusations.

Councilor Carter stated that he did not meet with anyone. Vice Mayor Thurmond stated that he did not meet with anyone. Mayor Lester said no one met with anyone.

Ms. Rhonda Brewer addressed Council stating that she lived 2-1/2 miles from the proposed casino. She said there are already to large casinos in the Tulsa metro area that met the community's needs. Ms. Brewer said that with each passing day, the City had failed to do the right thing and now she was asking Council to do the right thing.

Ms. Jennifer Wykoff stated that not one citizen has spoken in favor of the proposed casino, and asked why the Council would not accept Mr. Cawley's assistance. She said Mr. Cawley was an expert in tribal law and yet the City Council, the City Manager and the City Attorney treated him as if he were a peon. Ms. Wykoff stated that the City did not exhibit problem solving skills to handle this matter and did not have

the resources to handle this matter. Ms. Wykoff said that she respectfully requested the resignations of the Mayor, the City Attorney and the City Manager.

The Mayor called Mr. Greg Coscia. Mr. Coscia said he would pass.

Ms. Barbara West said she lived less than a half mile from the proposed casino. She said Citizens Against Neighborhood Gaming had 8,836 petition signatures against the casino, and the City had a duty to protect citizens from illegal establishments.

Mr. Randall Elliott stated that he was a 35 year resident of Broken Arrow and he was appalled that the City knew for months about the proposed casino and told no one. He stated that he wanted Council to vote on the submitted ordinances.

Ms. Lori Pettus stated that an illegal casino was being forced on the community. She stated that citizens put trust in the Council to do the right thing and to use every conceivable means to prevent the casino from being constructed. She requested the resignation of the City Manager, the City Attorney and the Mayor.

Mr. Doug Kuntzelman stated that his concern was about safety in the event the casino was built. He said that if the City has to contract with the casino, he urged the City to consider the traffic issues, safety and fire and police issues.

The Mayor called Ms. Aleta Wallace. Ms. Wallace passed.

Ms. Ronda Villemont-Smith stated that she was disappointed in Council and City leadership because they lied and provided misinformation, and she said she included the school superintendant as well. Ms. Smith said that some members of Council said they have known about a casino for 15 years and that citizens knew nothing until the earth work began at the site. She said she believed the Tort Reform Law capped lawsuits at \$125,000 and yet the City is afraid of lawsuits. Ms. Smith asked for the entire Council, the City Attorney and the City Manager to resign.

Mr. Joe Newhouse stated that he was on the Board of Directors for Citizens Against Neighborhood Gaming and they have almost 9,000 signatures. He said they cross-referenced signatures to be sure there were no duplicates and that all were signatures of living people. He said that by going door to door, he learned the pulse of the citizens and that they are livid about this situation.

Mr. Gene Evans stated that the events of the last few weeks showed severe lack of leadership and failure to listen to constituents. Mr. Evans said that he was asking for the City Councilors to resign their positions.

City Attorney, Ms. Beth Anne Wilkening said that the City felt that the Attorney General is the proper party and has standing to bring to bring a lawsuit because of the State's gaming compact. She said that she spoke to Mr. Cawley at a prior time and he agreed with that assessment. She said that from a legal stand point, the City does not want to compromise the integrity of what the Attorney General is doing. She added that any provision of City services would have to be done through a contract but that no contract will be brought to Council until all legal issues are resolved. Ms. Wilkening stated that Mr. Cawley graciously offered his assistance to the City but the City does utilize outside counsel and that from a legal standpoint, it was a concern that Mr. Cawley was a resident of the neighborhood near the proposed casino.

Ms. Wilkening added that the ordinances that were submitted seek to create accountability and she understands that. She said that the legal department will work with Mr. Cawley on the ordinance language to achieve accountability in a way that is enforceable and fair to all citizens.

Mayor Lester recognized Mr. Cawley and said Mr. Cawley could have one minute to respond. Mr. Cawley said he had two points to make. He said that nobody asked the City to file a lawsuit, and that he agreed that the Attorney General was a proper party. He said that there was no "pro" help from the City. Mr. Cawley said that secondly, the Council's consideration of any contract is absurd.

Councilor Parks said that a speaker brought up the "15 years" regarding the proposed casino. He said that he knew it was Creek land but it was not until December 2011 that it was learned that the land was claimed

by a stand-alone tribe. He said that the Council has already stated they are against the casino. Each Council member then stated their opposition to the casino.

Councilor Norman stated that it is inevitable that the City is going to have lawsuits. Councilor Carter stated that the City is not afraid of lawsuits but instead it is a matter of making sure that the City has a good case because losing a lawsuit can cost the citizens millions and millions of dollars. He said the \$125,000 figure quoted by one speaker was not correct. He added that the City and Council must abide by the rule of law and proper procedures even if it appears that they are slow to act.

Mayor Lester said there was a recommendation on the meeting Agenda regarding this Item and asked if there were a motion.

Motion:	Move to direct staff to continue to coordinate with all involved State and Federal entities in an effort to address all issues surrounding the proposed casino, including a stop to construction if appropriate under State and Federal law
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Councilor Norman asked for clarification, asking if this vote has anything to do with the City continuing to make efforts for a contract. Mr. Wooden said no, that the contract is stopped and this motion was to direct staff to continue working with federal and state agencies.

At approximately 7:40 p.m., Mayor Lester asked for a brief recess.

Motion:	Move to take a brief recess
Motion by:	Jill Norman
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Mayor Lester reconvened the regular meeting at approximately 7:58 p.m.

- B. Approval of and authorization to publish a Notice of Availability regarding the annual audit and its availability for public inspection for Fiscal Year 2010-2011

Item Minutes: Mr. Wooden stated that this item requests authorization to publish a Notice of Availability for the annual audit of the City which is now available for public inspection. He added that State statute requires publication of a Notice of Availability of the annual audit for public inspection.

Motion:	Move to authorize publication of the Notice of Availability of the annual audit for fiscal year 2010-2011 for public inspection
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- C. Approval of and authorization to execute an Interlocal Agreement between the City of Broken Arrow and the City of Bixby for Cooperative Law Enforcement Efforts

Item Minutes: Mr. Wooden explained that the City of Bixby requested that the City of Broken Arrow allow them to use the Broken Arrow jail facilities because they currently only have a holding cell. Mr. Wooden said that the City of Bixby will use the Broken Arrow City jail facilities to house defendants who fail to pay their fines or when the Judge has ordered a jail sentence, and only adult prisoners will be sent for a cumulative period of time less than 30 days; and, that this Agreement will allow Broken Arrow to be reimbursed for the cost of housing Bixby's inmates at the statutory rate and as amended.

Motion:	Move to approve execution of an Interlocal Agreement between the City of Broken Arrow and the City of Bixby for Cooperative Law Enforcement Efforts
Motion by:	Richard Carter
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- D. Consideration, possible approval of and authorization to execute Resolution No. 729, a Resolution of the City of Broken Arrow expressing support for school district projects and calling for citizens to vote in the Union Public Schools Independent School District #9 Bond Issue on February 14, 2012

Item Minutes: Mr. Wooden stated that Union Public Schools Independent School District #9 has a bond election scheduled on February 14, 2012. Mr. Wooden said that Resolution 729 expresses the City Council's support of the Union Public Schools and encourages citizens to vote in the upcoming election; and, the bond issue requests voter approval for funding textbooks, instructional technology, equipment and construction projects.

Motion:	Move to approve to execute Resolution No. 729
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- E. Consideration and possible approval of Resolution No. 730 authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 1010 West Madison Place, Broken Arrow, Oklahoma 74012

Item Minutes: Mr. Wooden provided the background for this item as presented in the Agenda Fact Sheet. He said that in October 2011, City staff inspected the property located at 1010 West Madison Place, Broken Arrow, Oklahoma and found multiple code violations including damaged shingles, holes in the roof, bricks separating from the home cracks in the foundation, and also that it was not structurally sound or sanitary and constituted menace to the health and safety of the public but was also a public nuisance. Mr. Wooden said that a Notice to Abate the Nuisance of the subject property was sent on October 26, 2011, to the title holder of record; and, that a public hearing was held on November 17, 2011 and an Order of Abatement was issued and sent to record owners, but as of this date the owners have failed to abate the nuisance. Mr. Wooden said that as a result, and in accordance with State statute, the City will bring suit in District Court. He said that Resolution 730 will authorize the filing of this action.

Motion:	Move to approve Resolution No. 730
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- F. Consideration and possible approval of Resolution No. 731 authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 19826 East 46th Street, Broken Arrow, Oklahoma 74014

Item Minutes: Mr. Wooden provided the background for this item as presented in the Agenda Fact Sheet. He said that in November 2011, City staff inspected the property located at 18926 East 46th Street, Broken Arrow, Oklahoma and a Voluntary Compliance Program Courtesy letter was sent to the title holder of record advising him of code violations on the property and that the house needed to be demolished because it was not structurally sound or sanitary and constituted not only a menace to the health and safety of the public but was also a public nuisance; and, that Notice to Abate the Nuisance of the subject property was sent on November 4, 2011 to the title holder of record. Mr. Wooden said that a public hearing was held on November 17, 2011 and an Order of Abatement was issued to the owner of record and mortgage holders. Mr. Wooden said that as of this date the owners have failed to abate the nuisance and as a result, and in accordance with State statute, the City will bring suit in District Court. He said that Resolution 731 will authorize the filing of this action, and pointed that GMAC has instituted a

foreclosure action and title to the home is uncertain.

Mr. Dan Berg addressed Council regarding the property. He said that he was the President of the Homeowners' Association in Eagle Creek and that he and the neighborhood support the filing of the action in District Court. Mr. Berg said that the concern of the homeowners is the period of time between now and the demolition of the structure. He pointed out in photographs that the burned house is easily accessible to anyone and said that the structure and staircase are unsafe and dangerous. Mr. Berg said that boarding up the entrances will probably not work because the fire destroyed the surfaces that would need to hold nails or screws. He asked Council to consider a fence around the structure until it is demolished, and added that the residents in the neighborhood do not want access to remain available to children in the neighborhood who might wander into the house. Ms. Wilkening said she would anticipate that the structure would be demolished within the next 60 days. Mr. Wooden said that staff would contact Mr. Berg and that a fence might be possible but in any case, a way to prevent access would be determined.

Motion:	Move to approve Resolution No. 731
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

G. Consideration and possible approval of appointment of Tiffani Bruton to the Convention and Visitors Bureau

Item Minutes: Mr. Wooden stated that Council approved the nomination of Ms. Bruton to fill the open position on the Convention and Visitors Bureau at the last Council meeting on February 7, 2012. He stated that this item requests approval of the appointment of Ms. Bruton with a term ending September 30, 2012.

Motion:	Move to approve the appointment of Tiffani Bruton to the Convention and Visitors Bureau
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

10. City Manager's Report

Section Minutes: There was no City Manager's report.

11. Preview Ordinances

Section Minutes: Preview Ordinances 11A, 11B and 11C were taken together.

Mr. Wooden stated that Preview Ordinance 11A pertains to the closing of an existing 11 foot utility easement, and the sanitary sewer in the existing easement will be relocated east and south around the proposed approximately 40,000 foot building expansion which will create up to 60 new jobs.

Mr. Wooden said that Preview Ordinance 11B pertains to the closure of a portion of two utility easements on a property in order to allow building a home on the two lots.

Mr. Wooden added that Preview Ordinance 11C pertains to Auburndale-Halifax Broken Arrow, LLC which is requesting closure of a portion of three utility easements at the Shops at Broken Arrow II.

Mr. Wooden stated that City staff has reviewed all documents and attachments pertaining to these requests and staff recommends approving closure of the easements as requested.

Motion:	Move to set the preview ordinances for final adoption at the next Council meeting
Motion by:	Richard Carter
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- A. An Ordinance closing utility easements in Lots Three (3) and Four (4), Block Six (6), 6100 Center, located approximately one half mile south of Albany Street (61st Street) and one half mile west of Olive Avenue (129th East Avenue), an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma; and repealing all ordinances to the contrary
- B. An Ordinance closing utility easements in Lots Nine (9) and Ten (10), Block One (1), Castlegate, located approximately one quarter mile north of Washington Street (91st Street) and east of South Garnett Road, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma; and repealing all ordinances to the contrary
- C. An Ordinance closing utility easements in Lots Four (4) and Eight (8), Block One (1), The Shops at Broken Arrow II, located approximately one quarter mile west of 9th Street (Lynn Lane Road) and one half mile north of Kenosha Street (71st Street), an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma; and repealing all ordinances to the contrary

12. Ordinances

Section Minutes: There were no ordinances. No action was required or taken.

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Section Minutes: There were no remarks or inquiries.

At approximately 8:18 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 recess in order to enter into Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Mayor Lester reconvened the regular session of the City Council at approximately 8:28 p.m.

Mayor Lester asked for a brief recess to clear the room prior to entering into Executive Session.

Motion:	Move to recess prior to entering Executive Session
Motion by:	Johnnie Parks
Second by:	Craig Thurmond
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Mayor Lester reconvened the regular session at approximately 8:33 p.m.

Motion:	Move to enter into Executive Session
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- 14. **Executive Session** for the purpose of confidential communications, and specifically consideration of an appeal, (and taking appropriate action, including authorization to continue an appeal, in open session) between the City Council, the City Manager, and the City Attorney for the purpose of discussing Robert Baird v. City of Broken Arrow, Workers' Compensation Court Case Number 2010-12406L, under 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 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.

Section Minutes: Mayor Lester reconvened the regular session of the City Council at approximately 8:42 p.m., and the room was opened for those in attendance. The Mayor asked if there were any motions.

Motion:	Move to find that the Executive Session was necessary to discuss the case noted on the Agenda as public disclosure could impact the Council's ability to process the pending litigation
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Motion:	Move to ratify filing an appeal in the Baird Workers' Compensation case
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 8:43 p.m.

Motion:	Move to adjourn
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Attest:

Mayor

City Clerk