

BROKEN ARROW CITY COUNCIL MINUTES
December 16, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, December 16, 2008, at 6:30 p.m.

1. Call to Order

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

2. Invocation

Section Minutes: Pastor Mike French of Mike French Ministries delivered the Invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Section Minutes: Councilman Carter led those present in the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor McCaleb said that there was a citizen request to pull Item 5A from the Consent Agenda. He asked if there were any other items to be removed from the Consent Agenda. There being none, the Mayor asked for a motion to approve the Consent Agenda.

- A. Approval of the regular meeting minutes of December 2, 2008
- B. Approval of the special meeting minutes of December 5, 2008
- C. Approval of and authorization to execute the 2008 Tree City U.S.A. Application
- D. Approval of and authorization to execute Resolution No. 561 - a resolution concerning bridge inspection responsibility by local government for compliance with National Bridge Inspection Standards bridge inspection contracts for March 2009 to March 2011
- E. Approval of Final Acceptance and Donation of the Public Improvements at Chris Nikel Extended: Storm Water Conveyance System and Street Extension
- F. Approval of bids received and award of the most advantageous bid to Admiral Express, Inc., for office supplies on a city-wide basis
- G. Approval of bids received and award of the most advantageous bid to Professional Turf Products, for a utility cart spray rig
- H. Acceptance of a Drainage And Utility Easement from St. John Health System, Inc. (S26 T19N R14E) (Project: ST0004)
- I. Acceptance of a Drainage And Utility Easement from St. John Health System, Inc. (S35 T19N R14E) (Project #: ST0529)
- J. Acceptance of three (3) Utility Easements from RLAND Development Group, LLC (S30, T18N, R14E) (Project: Berwick Fairways I)

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None

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Section Minutes: Councilman Carter led those present in the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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1. Acceptance of a Drainage And Utility Easement from St. John Health System, Inc. S35 TI9N R 14E) Project #: ST0529)

J. Acceptance of three 3) Utility Easements from RLAND Development Group, LLC S30, T18N, RI4E) Project: Berwick Fairways I)

- K. Acceptance of a Utility Easement from E.A. Schermerhorn, B.K. Schermerhorn, Starlight Investments, LLC, Alan Davis and Joan Zappe Davis (S35, T19N, R14 E) (Project: Midfirst at Lynn Lane)
- L. Acceptance of a Utility Easement from The Park at Adam's Creek Property Owner's Association, Inc. (S1, T18N, R14E) (Project: The Shops at Broken Arrow)
- M. Acceptance of a Sewer Line Easement from St. John Health System, Inc. (S35 T19N R14E) (Project: ST0529)
- N. Acceptance of a General Warranty Deed from St. John Health System, Inc. (S26 T19N R14E) (Project: ST0004)
- O. Acceptance of a General Warranty Deed from St. John Health System, Inc. (S35 T19N R14E) (Project: ST0529)
- P. Approval of the Claims List

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

6. Consideration of Items Removed from Consent Agenda

- 5A. Approval of the regular meeting minutes of December 2, 2008

Section Minutes: City Attorney, Beth Anne Wilkening, said she had a chance to visit with Mr. Robert Townsend regarding Item 5A, the minutes of December 2, 2008. Ms. Wilkening said he agreed to have the item tabled to provide an opportunity to review his written comments provided to Ms. Wilkening. She added that the comments would be reviewed and the meeting tape reviewed, and Mr. Townsend would be contacted.

The Mayor asked for a motion to table.

Motion:	Move to table Item 5A.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

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

- A. Presentation: FEMA CRS Rating Plaque to the City of Broken Arrow in recognition of the City's improved its National Flood Insurance Program (NFIP) Community Rating Service (CRS) Rating from a Level 8 to a Level 5

Item Minutes: Gavin Brady, Oklahoma State NFIP Coordinator with Oklahoma Water Resources Board (OWRB) presented a FEMA CRS Rating Plaque to the City of Broken Arrow in recognition of its achievement in improving its National Flood Insurance Program (NFIP) Community rating from a Level 8 to a Level 5. Mayor McCaleb said that citizens within the City of Broken Arrow who purchase NFIP Flood Insurance policies will see discounted premiums as a result of improvements to the City's Floodplain Management Program.

No action was required or taken.

K. Acceptance of a Utility Easement from E.A. Schermerhorn, B.K. Schermerhorn, Starlight Investments, LLC, Alan Davis and Joan Zappe Davis S35, T19N, R14 E) Project: Midfirst at Lynn Lane)

L. Acceptance of a Utility Easement from The Park at Adam's Creek Property Owner's Association, Inc. S1, T18N, R14E) Project: The Shops at Broken Arrow)

M. Acceptance of a Sewer Line Easement from St. John Health System, Inc. S35 T19N R14E) Project: ST0529)

N. Acceptance of a General Warranty Deed from St. John Health System, Inc. S26 T19N R14E) Project: ST0004)

O. Acceptance of a General Warranty Deed from St. John Health System, Inc. S35 T19N R14E) Project: ST0529)

P. Approval of the Claims List

Motion: Move to approve the Consent Agenda with the exception of Item 5A.

Motion b Mike Lester

Second by: Richard Carter

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

Nays: None

6. Consideration of Items Removed from Consent Agenda

5A. Approval of the regular meeting minutes of December 2, 2008

Section Minutes: City Attorney, Beth Anne Wilkening, said she had a chance to visit with Mr. Robert Townsend regarding Item 5A, the minutes of December 2, 2008. Ms. Wilkening said he agreed to have the item tabled to provide an opportunity to review his written comments provided to Ms. Wilkening. She added that the comments would be reviewed and the meeting tape reviewed, and Mr. Townsend would be contacted.

The Mavor asked for a motion to table.

Motion: Move to table Item 5A.

Motion by: Mike Lester

Second b Richard Carter

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

Nays: None

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A. Presentation: FEMA CRS Rating Plaque to the City of Broken Arrow in recognition of the City's improved its National Flood Insurance Program (NFIP) Community Rating Service (CRS) Rating from a Level 8 to a Level 5

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No action was required or taken.

Broken Arrow City Council Minutes Page 2 of 18 December 16, 2008

B. Presentation: Proclamation declaring the Importance of Extra-Curricular Activities in School

Item Minutes: Mayor McCaleb said that Council and the City of Broken wished to present a proclamation to recognize the importance of extra-curricular activities to students in the Broken Arrow and Union school districts, in addition to recognizing recent achievements by Union and Broken Arrow Public Schools.

Motion:	Move to approve and present the proclamation.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

The Mayor called the following representatives forward to receive the Proclamation: Ross Ford and Preston Pearson of Union Public Schools; Dr. Gary Gerber and Shari Wilkins of Broken Arrow Public Schools.

Mayor McCaleb read and presented the proclamation. Congratulations followed.

9. **General Council Business**

- A. Consideration and possible appointment of Jack Keeling, Jo Ellen Clow, and Joe Cook to fill three vacancies on the Downtown Advisory Board created by the resignations of Fred Dorrell, Roy Sturgeon, and Lauri Hancock

Motion:	Move to appoint Jack Keeling, Jo Ellen Clow and Joe Cook to fill the vacancies on the Downtown Advisory Board.
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- B. Consideration and possible appointment of a Planning Commission Member to the TIF Review Committee to consider a project and a tax increment district under the Local Development Act and submission of the name of one citizen along with 6 who were previously submitted, three of whom will represent the public at large

Item Minutes: The Mayor announced the item and noted the Planning Commission submitted the name of Planning Commission member Ricky Jones to be appointed to the TIF Review Committee, and the Vice Mayor submitted the name of Delbert Frieze as the additional citizen for consideration by the TIF Review Committee.

Motion:	Move to appoint Planning Commission member Ricky Jones to the TIF Review Committee and Delbert Frieze as the additional citizen for consideration by the TIF Review Committee.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- C. Consideration and possible appointment of representatives from Tulsa County, Wagoner County, Independent School District No. 3, Tulsa City-County Health Department, Tulsa Community College, Technology Center District and the Tulsa City-County Library System to the TIF Review Committee to consider a project and a tax increment district under the Local Development Act

B. Presentation: Proclamation declaring the Importance of Extra-Curricular Activities in School

Item Minutes: Mayor McCaleb said that Council and the City of Broken wished to present a proclamation to recognize the importance of extra-Curricular activities to students in the Broken Arrow and Union school districts, in addition to recognizing recent achievements by Union and Broken Arrow Public Schools.

Motion: Move to approve and present the proclamation.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

The Mayor called the following representatives forward to receive the Proclamation: Ross Ford and Preston Pearson of Union Public Schools; Dr. Gary Gerber and Shari Wilkins of Broken Arrow Public Schools.

Mayor McCaleb read and presented the proclamation. Congratulations followed.

9. General Council Business

A. Consideration and possible appointment of Jack Keeling, Jo Ellen Clow, and Joe Cook to fill three vacancies on the Downtown Advisory Board created by the resignations of Fred Dorrell, Roy Sturgeon, and Lauri Hancock

Motion: Move to appoint Jack Keeling, Jo Ellen Clow and Joe Cook to fill the vacancies on the Downtown Advisory Board.

Motion by: Philip Tucker

Second by: Craig Thurmond

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

Nays: None

B. Consideration and possible appointment of a Planning Commission Member to the TIF Review Committee to consider a project and a tax increment district under the Local Development Act and submission of the name of one citizen along with 6 who were previously submitted, three of whom will represent the public at large

Item Minutes: The Mayor announced the item and noted the Planning Commission submitted the name of Planning Commission member Ricky Jones to be appointed to the TIF Review Committee. and the Vice Mayor submitted the name of Delbert Frieze as the additional citizen for consideration by the TIF Review Committee.

Motion: Move to appoint Planning Commission member Ricky Jones to the TIF Review Committee and Delbert Frieze as the additional citizen for consideration by the TIF Review Committee.

Motion by: Richard Carter

Second by: Mike Lester

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

Nays: None

C.

Consideration and possible appointment of representatives from Tulsa County, Wagoner County, Independent School District No. 3, Tulsa City-County Health Department, Tulsa

Community College, Technology Center District and the Tulsa City-County Library System to the TIF Review Committee to consider a project and a tax increment district under the Local Development Act

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Item Minutes: The Mayor announced the item and noted that names were received from the other taxing jurisdictions. Council was now asked to consider for appointment, the following representatives:

Tulsa County	Fred R. Perry
Wagoner County	Monty Proctor
Independent School District No. 3	Dr. Gary Gerber
Tulsa City-County Health Department	Alicia Plati
Tulsa Community College	Ron Looney
Technology Center District	Deidre Howard
Tulsa City-County Library System	Gail Morris

Motion:	Move to appoint Fred R. Perry, Monty Proctor, Dr. Gary Gerber, Alicia Plati, Ron Looney, Deidre Howard and Gail Morris to the TIF Review Committee.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- D. Consideration and possible approval of a Consulting and Feasibility Study Services Agreement with Pinnacle Consulting Management Group, Inc., and authorization to execute Budget Amendment No. 7

Item Minutes: Mr. Twombly stated that in their meeting of September 10, 2008, the Broken Arrow Development Authority (BADA) authorized issuance of a Request for Qualifications/Experience for a feasibility study to explore the possible acquisition of property in the Camino Villa area, and selected members of a review committee to study the responses received and make a recommendation to the BADA Commissioners. He said that following a review of the proposals submitted, and after conducting lengthy interviews, the review committee unanimously decided to recommend retention of Pinnacle Consulting Management Group, Inc. to conduct the Phase I Study of the Camino Villa area. At the November 12th meeting, the BADA formally selected Pinnacle to conduct the study and directed staff to negotiate a contract. The attached Agreement requires Pinnacle to:

- a. Prepare a study to assess and evaluate the feasibility of the acquisition of all property in private ownership within Camino Villa.
- b. Prepare a study to assess and evaluate the feasibility of the acquisition of all property necessary to extend Hillside Drive in an East - West direction through Camino Villa.
- c. Prepare a study to assess and evaluate the feasibility of rehabilitation within Camino Villa.
- d. Provide a cost and time estimate for the three above-identified scenarios.
- e. Perform a survey of housing that would be available for residents whose housing is purchased, including availability, location, cost, size, type and other relevant factors.
- f. Prepare an initial property list and send a letter to each explaining Pinnacle's role.
- g. Interview Camino Village residents, explain the federal relocation regulations, respond to general questions, and attempt to determine needs for those whose housing could be purchased.
- h. Prepare a report on recent property sales and values in Camino Villa.

Mr. Twombly said that staff recommends that Council approve the Agreement, Budget Amendment No. 7, and authorize execution of both. He explained that funds are available in the Sales Tax Capital Improvement Fund for the transfer of funds to BADA for this study.

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Tulsa County

Wagoner County

Independent School District No. 3

Tulsa City-County Health Department

Tulsa Community College

Technology Center District

Tulsa City-County Library System

Fred R. Perry

Monty Proctor

Dr. Gary Gerber

Alicia Plati

Ron Looney

Deidre Howard

Gail Morris

Motion: Move to appoint Fred R. Perry, Monty Proctor, Dr. Gary Gerber, Alicia Plati, Ron Looney, Deidre Howard and Gail Morris to the TIF Review Committee.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

D. Consideration and possible approval of a Consulting and Feasibility Study Services Agreement with Pinnacle Consulting Management Group, Inc., and authorization to execute Budget Amendment No. 7

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 - c. Prepare a study to assess and evaluate the feasibility of rehabilitation within Camino Villa.
 - d. Provide a cost and time estimate for the three above-identified scenarios.
- C. Perform a survey of housing that would be available for residents whose housing is purchased, including availability, location, cost, size, type and other relevant factors.

f. Prepare an initial property list and send a letter to each explaining Pinnacle's role,

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interview Camino Village residents, explain the federal relocation regulations. respond to general questions. and attempt to determine needs for those whose housing could be purchased.

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Mr. Twoihly said that staff recommends that Council approve the Agreement, Budget Amendment No.

7. and authorize execution of both. He explained that funds are available in the Sales Tax Capital Improvement Fund for the transfer of funds to BADA for this study.

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Councilman Carter commented he is pleased to see the consideration of rehabilitation within Camino Villa in the study.

In response to a Council inquiry, Mr. Twombly stated if the Authority sees that rehabilitation is feasible on a community-wide basis, they will detail how it is feasible and what will need to be done. He further stated it may be found that the road will still need to go through, and the remainder of the community can be rehabilitated and the blight removed.

Councilman Thurmond said that, while it is important for the road to go through, the timing is about 5-years off. He said he believes that in the current economy, it is better to wait as it will take that long for development in the area to become dense enough to require the road. Vice Mayor Lester commented that having the study completed will give the residents of Camino Villa some stability as they will be able go on with their lives when the plan recommendation is completed. Ms. Wilkening, speaking on behalf of the Broken Arrow Development Authority, commented the Authority feels it is important to work through this research and information gathering phase in order to ease the anxiety of the Camino Villa residents and owners. The Mayor commented the study should be completed even if work will not go ahead for several years, and added the study is expected to yield information that is also useful for examining available grants and other resources, which will be helpful in planning for the future.

Motion:	Move to approve, and authorize execution of the Consulting and Feasibility Study Services Agreement with Pinnacle and Budget Amendment No. 7.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Following this item, with the time being 7:00 pm., the Mayor returned to Item 8, Citizens Opportunity to Address Council.

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

Section Minutes: Robert Townsend 4925 S. 165th E. Avenue, Tulsa, stated he is here to complete some of his comments on BACP 96, the proposed Level 4 rezoning issue approved by the Council on December 2, 2008. He read a written statement which is attached and made a part of these minutes.

Jeff McCollough, 2521 N. 15th Street, addressed Council regarding abatements to the Hood property at the corner of Main and Kenosha. He stated there is a difference of opinion on the procedure and questioned how the abatement case was handled. He said there was selective code enforcement against Mr. Hood; he discussed the time-frame for abatements, and claimed Code Enforcement officers told him the City wants to make an example of Mr. Hood.

Mr. Twombly noted that Mr. Hood's property was abated in compliance with State Statutes. He said the City's abatement process was changed and now does not have to come before Council. The intent of speeding up the abatement process was to get people to mow weeds and clean up trash in their yards within a 3-week period, and previously the process took up to 6-weeks.

Due to Mr. McCollough's concern of unfairness in the abatement process, the Mayor requested the City Manager review the 2007 and 2008 abatement proceedings of the property.

9. General Council Business

- E. Consideration and possible approval of a Resolution of Support for Kenosha Landing Limited Partnership to construct affordable elderly housing in Broken Arrow

Item Minutes: Mr. Twombly presented this report consistent with the fact sheet provided in the agenda packet. In response to Council inquiries, he noted that approval of the resolution will not give current

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Councilman Thurmond said that, while it is important for the road to go through, the timing is about 5-years off, He said he believes that in the current economy, it is better to wait as it will take that long for development in the area to become dense enough to require the road. Vice Mayor Lester commented that having the study completed will give the residents of Camino Villa some stability as they will be able to go on with their lives when the plan recommendation is completed. Ms. Wilkening, speaking on behalf of the Broken Arrow Development Authority, commented the Authority feels it is important to work through this research and information gathering phase in order to ease the anxiety of the Camino Villa residents and owners. The Mayor commented the study should be completed even if work will not go ahead for several years. and added the study is expected to yield information that is also useful for examining available grants and other resources, which will be helpful in planning for the future.

Motion: Move to approve, and authorize execution of the Consulting and Feasibility Study Services Agreement with Pinnacle and Budget Amendment No. 7.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

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Mr. Twombly noted that Mr. Hood's property was abated in compliance with State Statutes. He said the City's abatement process was changed and now does not have to come before Council. The intent of speeding up the abatement process was to get people to plow weeds and clean up trash in their yards within a 3-week period, and previously the process took up to 6-weeks.

Due to Mr. McCullough's concern of unfairness in the abatement process, the Mayor requested the City Manager review the 2007 and 2008 abatement proceedings of the property.

9. General Council Business

E. Consideration and possible approval of a Resolution of Support for Kenosha Landing Limited

Partnership to construct affordable elderly housing in Broken Arrow

Item Minutes: Mr. Tvomhly presented Ili is report consistent with the fact sheet provided in the agenda packet. In response to Council inquiries. lie noted that approval of the resolution will not give current Broken Arrow City Council Minutes Page 5 of 18 December 16, 2008

Broken Arrow residents priority for housing in this development. Mr. Twombly added that similar projects have a 90-plus percent occupancy made up of current Broken Arrow residents. He said the fire hydrant expense will come out of Water/Utility funds, and the sidewalk expense out of Sales Tax Capital Improvement funds.

Motion:	Move to approve and authorize execution of a Resolution of Support for Kenosha Landing Limited Partnership to construct affordable elderly housing in Broken Arrow.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- F. Consideration, possible approval of and authorization to execute Resolution No. 558 - a resolution of necessity to condemn property located at 5700 South Lynn Lane, Broken Arrow, Tulsa County, Oklahoma, (9th Street Widening Albany Street to Omaha Street)

Item Minutes: Ms. Wilkening presented the background for this item consistent with the fact sheet provided in the agenda packet and said that acquisition of the property was necessary for the 9th Street widening project.

Motion:	Move to approve and authorize execution of Resolution No. 558.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- G. Consideration, possible approval of and authorization to execute Resolution No. 559 - a resolution of necessity to condemn property located in the northwest quarter of Section 36, Township 19 North, Range 14 East, Tulsa County, Oklahoma, (9th Street Widening - Albany Street to Omaha Street)

Item Minutes: Ms. Wilkening presented the background for this item consistent with the fact sheet provided in the agenda packet and said that acquisition of the property was necessary for the 9th Street widening project.

Motion:	Move to approve and authorize execution of Resolution No. 559.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- H. Consideration, possible approval of and authorization to execute Resolution No. 560 - a resolution of necessity to condemn property located at 5751 South Lynn Lane, Broken Arrow, Tulsa County, Oklahoma, (9th Street Widening - Albany Street to Omaha Street)

Item Minutes: Ms. Wilkening presented the background for this item consistent with the fact sheet provided in the agenda packet and said that acquisition of the property was necessary for the 9th Street widening project.

Motion:	Move to approve and authorize execution of Resolution No. 560.
Motion by:	Mike Lester
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Broken Arrow residents priorit\ for housing in this development. Mr. I wombly added that similar projects have a 90-plus percent occupancy made up of current Broken Arrow residents. He said the tire hydrant expense will come out of Water/Utility funds, and the sidewalk expense out of Sales Tax Capital Improvement funds.

Motion: Move to approve and authorize execution of a Resolution of Support for Kenosha Landing Limited Partnership to construct affordable elderly housing in Broken Arrow.

Motion by: Richard Carter

Second by: Philip Tucker

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

Nays: None

F. Consideration, possible approval of and authorization to execute Resolution No. 558 a resolution of necessity to condemn property located at 5700 South Lynn Lane, Broken Arrow, Tulsa County, Oklahoma, 9th Street Widening Albany Street to Omaha Street)

Item Minutes: Ms. Wilkening presented the background for this item consistent ith the fact sheet provided in the agenda packet and said that acquisition of the property as necessary for the 9'Street widening project.

Motion: Move to approve and authorize execution of Resolution No. 558.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

G. Consideration, possible approval of and authorization to execute Resolution No. 559 a resolution of necessity to condemn property located in the northwest quarter of Section 36, Township 19 North, Range 14 East, Tulsa County, Oklahoma, 9th Street Widening Albany Street to Omaha Street)

Item Minutes: Ms. Wilkening presented the background for this item consistent N.\ith the fact sheet provided in the agenda packet and said that acquisition of the property was necessary for the 9'' Street ti idening project. /

Motion: Move to approve and authorize execution of Resolution No. 559.

Motion by: Mike Lester

Second by: Philip Tucker

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

Navs: None

H. Consideration, possible approval of and authorization to execute Resolution No. 560 a resolution of necessity to condemn property located at 5751 South Lynn Lane, Broken Arrow, Tulsa County, Oklahoma, 9th Street Widening Albany Street to Omaha Street)

Item Minutes: Ms. Wilkening presented the background for this item consistent with the tact sheet provided in the agenda packet and said that acquisition of' the property was necessary for the 9'' Street widening project.

Motion: Move to approve and authorize execution of Resolution No. 560.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Navs: None

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- I. Consideration and possible approval of an across-the-board wage increase of 1% to employees covered by the 2008-09 agreement with the Communication Workers of America

Item Minutes: Mr. Twombly said that in August 2008, the Communication Workers of America and the City reached an agreement that included a requirement that the City extend the same base salary increase to CWA bargaining unit members if another union was offered a salary increase. He stated that the City Council, on December 5, 2008, ratified the fiscal year 2008-09 labor agreement with the Fraternal Order of Police and this agreement included a 1% base salary increase for all FOP bargaining unit members. Mr. Twombly said that, in accordance with the CWA agreement, the City formally offered the CWA a 1% base salary increase for its bargaining unit members, and the CWA accepted the offer. Mr. Twombly explained that a budget amendment and BAMA financial plan adjustment will be forthcoming to fund the projected \$142,000 cost, and said the CWA represents approximately 275 employees.

Motion:	Move to approve a 1% base salary increase all employees covered by the labor agreement with the Communication Workers of America.
Motion by:	Craig Thurmond
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- J. Consideration and possible approval of an across-the-board wage increase of 1% to employees not covered by a Labor Agreement

Item Minutes: Mr. Twombly said that the recent fiscal year 2008-2009 agreement with the FOP included a base salary increase of 1%. He added that the CWA agreement included a requirement that the City extend the same base salary increase to CWA bargaining unit members if another union was offered a salary increase. Mr. Twombly said that, in accordance with the CWA agreement, the City formally offered the CWA a 1% base salary increase for its bargaining unit members, and the CWA accepted the offer. Mr. Twombly said it is appropriate to consider granting a 1% base salary increase to full-time non-union employees and explained that, if approved, this proposed increase would be granted to approximately 65 employees at an estimated cost of \$40,000. He added that seasonal employees, contract employees and any employee whose salary exceeds the maximum of their salary range was excluded from the increase. Mr. Twombly said a budget amendment and BAMA financial plan adjustment will be forthcoming to fund the projected \$40,000.00 cost.

Motion:	Move to approve a 1% base salary increase to all non-union employees as described.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

10. City Manager's Report

- A. Tax Increment Financing - East Broken Arrow

Item Minutes: Mr. Twombly presented this report consistent with the fact sheet provided in the agenda packet. He presented the information which included a map showing the proposed TIF district, a discussion of some of the costs, an update regarding industrial development anticipated on and around the site, and details relating to reduction in size of the site to include only undeveloped land or territory where development can assist in the debt payoff, and also provided an update regarding the status of financing efforts.

No action was required or taken.

I. Consideration and possible approval of an across-the-board wage increase of 1% to employees covered by the 2008-09 agreement with the Communication Workers of America

Item Minutes: Mr. Twombly said that in August 2008, the Communication Workers of America and the City reached an agreement that included a requirement that the City extend the same base salary increase to CWA bargaining unit members if another union was offered a salary increase. He stated that the City Council, on December 5, 2008, ratified the fiscal year 2008-09 labor agreement with the Fraternal Order of Police and this agreement included a 1% base salary increase for all FOP bargaining unit members. Mr. Twombly said that, in accordance with the CWA agreement, the City formally offered the CWA a 1% base salary increase for its bargaining unit members, and the CWA accepted the offer. Mr. Twombly explained that a budget amendment and E3AMA financial plan adjustment will be forthcoming to fund the projected \$142,000 cost, and said the CWA represents approximately 275 employees.

Motion: Move to approve a 1% base salary increase all employees covered by the labor agreement with the Communication Workers of America.

Motion by: Craig Thurmond

Second by: Philip Tucker

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

Nays: None

J. Consideration and possible approval of an across-the-board wage increase of 1% to employees not covered by a Labor Agreement

Item Minutes: Mr. Twombly said that the recent fiscal year 2008-2009 agreement with the FOP included a base salary increase of 1%. He added that the CWA agreement included a requirement that the City extend the same base salary increase to CWA bargaining unit members if another union was offered a salary increase. Mr. Twombly said that, in accordance with the CWA agreement, the City formally offered the CWA a 1% base salary increase for its bargaining unit members, and the CWA accepted the offer. Mr. Twombly said it is appropriate to consider granting a 1% base salary increase to full-time non-union employees and explained that, if approved, this proposed increase would be granted to approximately 65 employees at an estimated cost of \$40,000. He added that seasonal employees, contract employees and any employee whose salary exceeds the maximum of their salary range was excluded from the increase. Mr. Twombly said a budget amendment and BAMA financial plan adjustment will be forthcoming to fund the projected \$40,000 cost.

Motion: Move to approve a 1% base salary increase to all non-union employees as described.

Motion by: Richard Carter

Second by: Philip Tucker

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

Nays: None

10. City Manager's Report

A. Tax Increment Financing East Broken Arrow

Item Minutes: Mr. Twombly presented this report consistent with the fact sheet provided in the agenda packet. He presented the information which included a map showing the proposed IF district, a

discussion of sonic of the costs, an update regarding industrial development anticipated on and around the site, and details relating to reduction in size of the site to include only U11 developed land or territory where development can assist in the debt payoff, and also provided an update regarding the status of financing efforts.

No action was required or taken.

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B. Temporary Funding Subsidy for Battle Creek Golf Course Operations

Item Minutes: Mr. Twombly presented this item consistent with the fact sheet contained in the agenda packet. He stated that Battle Creek Golf Course is experiencing difficulties due to the current economic situation and reviewed the financial details. He said that Greenway Golf, Inc. the management company for Battle Creek Golf Course, has requested \$60,000 from the City to cover operating expenses at the golf course into January 2009. Mr. Twombly said it is projected the golf course could need an additional \$37,000 to cover expenses from January to March 2009 for a total of \$97,000. He suggested that this could be viewed much like a line of credit to fund operating expenses until expected revenues increase, and the funding is in the framework of a loan from the City that includes deferred lease payments and water utility payments. He added that this funding bridge will assist the course during this difficult economic time with payback coming from future golf course operations, and because this is a loan that will be paid back, there is no increase in expenditures to the City Budget.

No action was required or taken.

11. Preview Ordinances

- A. An ordinance amending the Broken Arrow Code Chapter 6, Building and Building regulations; repealing all ordinances to the contrary; and declaring an emergency
- B. An ordinance amending Chapter 16, Article I, Section 16-4 of the Broken Arrow Code pertaining to Carrying Weapons; repealing all ordinances to the contrary; and declaring an emergency
- C. An ordinance creating Chapter 16, Article I, Section 16-22 of the Broken Arrow Code pertaining to Transporting a firearm improperly; repealing all ordinances to the contrary; and declaring an emergency
- D. An ordinance creating Chapter 23, Article I, Section 23-33 of the Broken Arrow Code pertaining to Unattended Children or Vulnerable Adults Left in Vehicles - Punishment; repealing all ordinances to the contrary; and declaring an emergency
- E. An ordinance creating Chapter 23, Article I, Section 23-34 of the Broken Arrow Code pertaining to Endangerment of a Highway Worker; repealing all ordinances to the contrary; and declaring an emergency
- F. An ordinance amending Chapter 23, Article II, Section 23-67.1 of the Broken Arrow Code pertaining to Driver of a motor vehicle approaching a stationary authorized emergency vehicle, wrecker or tow vehicle; repealing all ordinances to the contrary; and declaring an emergency
- G. An ordinance amending Chapter 23, Article II, Section 23-92 of the Broken Arrow Code pertaining to Operating a motor vehicle while impaired by alcohol or other substances prohibited; repealing all ordinances to the contrary; and declaring an emergency
- H. An ordinance amending Chapter 23, Article II, Section 23-93 of the Broken Arrow Code pertaining to Persons under age 21 driving under the influence of alcohol or other intoxicating substances; repealing all ordinances to the contrary; and declaring an emergency

Section Minutes: Ms. Wilkening gave background on Item 11A, noting this corrects a scrivener's error found in the most recent amendment, titled Ordinance 2976. She said that during the updating process of this ordinance, sections that were in Reserve were erroneously missing from the ordinance. She added that Articles VIII, IX and X were also erroneously missing from the ordinance. Ms. Wilkening said this code revision corrects the oversight.

Development Services Director, Michael Skates, provided additional information on Item 11A, noting this revision incorporates amendments providing for removal of the meter can fee; additional language

B. Temporary Funding Subsidy for Battle Creek Golf Course Operations

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No action was required or taken.

11. Preview Ordinances

A. An ordinance amending the Broken Arrow Code Chapter 6, Building and Building regulations; repealing all ordinances to the contrary; and declaring an emergency

B. An ordinance amending Chapter 16, Article I, Section 16-4 of the Broken Arrow Code pertaining to Carrying Weapons; repealing all ordinances to the contrary; and declaring an emergency

C. An ordinance creating Chapter 16, Article 1, Section 16-22 of the Broken Arrow Code pertaining to Transporting a firearm improperly; repealing all ordinances to the contrary; and declaring an emergency

D. An ordinance creating Chapter 23, Article I, Section 23-33 of the Broken Arrow Code pertaining to Unattended Children or Vulnerable Adults Left in Vehicles Punishment; repealing all ordinances to the contrary; and declaring an emergency

E. An ordinance creating Chapter 23, Article I, Section 23-34 of the Broken Arrow Code pertaining to Endangerment of a Highway Worker; repealing all ordinances to the contrary; and declaring an emergency

F. An ordinance amending Chapter 23, Article 11, Section 23-67.1 of the Broken Arrow Code pertaining to Driver of a motor vehicle approaching a stationary authorized emergency vehicle, wrecker or tow vehicle; repealing all ordinances to the contrary; and declaring an emergency

G. An ordinance amending Chapter 23, Article II, Section 23-92 of the Broken Arrow Code pertaining to Operating a motor vehicle while impaired by alcohol or other substances prohibited; repealing all ordinances to the contrary; and declaring an emergency

H. An ordinance amending Chapter 23, Article II, Section 23-93 of the Broken Arrow Code pertaining to Persons under age 21 driving under the influence of alcohol or other intoxicating substances; repealing all ordinances to the contrary; and declaring an emergency

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Development Services Director, Michael Skates, provided additional information on Item I 1 A, noting

this revision incorporates amendments providing for removal of the meter can fee; additional language
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for 'work started without a permit'; and, the addition of a Trade Permit fee to replace the 'Will Call Permit'.

Ms. Wilkening reviewed Items 11B - 11H for Council, consistent with information contained in the Agenda packet.

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

12. Ordinances

- A. Ordinance No. 2998 - 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
- B. Ordinance No. 2999 - an ordinance closing a Utility Easement on Lot 1 Block 3, The Shops at Broken Arrow, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency
- C. Ordinance No. 3000 - an ordinance closing a Utility Easement on Lot 1, Block 2, The Shops at Broken Arrow, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency

Section Minutes: Ms. Wilkening introduced Ordinance Nos. 2985 through 2984. In response to the Mayor's inquiry, she stated these ordinances were previewed previously and no changes have been made.

Motion:	Move to approve Ordinance Nos. 2998 – 3000.
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 the Emergency Clauses of Ordinance Nos. 2998 – 3000.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: They Mayor announced that Northeastern State University is having a ribbon cutting event on January 15, 2009, noting it conflicts with INCOG's Legislative Reception. He also commented the Bond Election on December 9, 2008 resulted in voters approving the requested funds for all the proposed projects.

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

for work started without a permit'; and, the addition of a Trade Permit fee to replace the Will Call Permit'.

Ms. Wilkening reviewed Items 1 1 B 1 1 H for Council, consistent with information contained in the Agenda packet.

Motion: Move to forward preview ordinances to the next agenda for possible adoption.

Motion b Mike Lester

Second b Craig Thurmond

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

Nays: None

12. Ordinances

A. Ordinance No. 2998 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

B. Ordinance No. 2999 an ordinance closing a Utility Easement on Lot I Block 3, The Shops at Broken Arrow, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency

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Section Minutes: Ms. Wilkening introduced Ordinance Nos. 2985 through 2984. In response to the Mayor's inquiry, she stated these ordinances were previewed previously and no changes have been made.

Motion: Move to approve Ordinance Nos. 2998 3000.

Motion b Mike Lester

Second by: Richard Carter

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

Nays: None

Motion: Move to adopt the Emergency Clauses of Ordinance Nos. 2998 3000.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

13. Remarks and Inquiries by Governing Body Members

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Motion: Move to recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.

Motion b Mike Lester

Second b Richard Carter

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

Navs: None

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Section Minutes: The Mayor reconvened the regular session at the noted time of 7:59 p.m.

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

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:08 p.m.

Motion:	Move to enter into Executive Session.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
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 Attorney for the purpose of conferring on contract negotiations concerning IAFF and Communication Workers' of America employee groups under 25 O.S. § 307(B)(2), and litigation concerning City of Broken Arrow v. Linda Ranson-Jacobs, et al., Wagoner County District Court Case Number CV-2008-785 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: The Mayor reconvened the regular session at the noted time of 8:15 p.m.

Motion:	Move to authorize settlement of Ranson-Jacobs in the amount of \$55,000.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

No further action was taken.

15. **Adjournment**

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

The meeting was adjourned at the noted time of 8:15 p.m.

Mayor

City Clerk

Section Minutes: The Mayor reconvened the regular session at the noted time of 7:59 p.m.

Motion: Move to take a short break prior to returning for Executive Session.

Motion b Philip Tucker

Second by: Mike Lester

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

Nays: None

Section Minutes: The Mayor reconvened the regular session at the noted time of 8:08 p.m.

Motion: Move to enter into Executive Session.

Motion b Mike Lester

Second by: Richard Carter

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

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 Attorney for the purpose of conferring on contract negotiations concerning IAFF and Communication Workers' of America employee groups under 25 O.S. 307(B)(2), and litigation concerning City of Broken Arrow v. Linda Ranson-Jacobs, et al., Wagoner County District Court Case Number CV-2008-785 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: The Mayor reconvened the regular session at the noted time of 8:15 p.m.

Motion: Move to authorize settlement of Ranson-Jacobs in the amount of \$55,000.

Motion b Mike Lester

Second by: Richard Carter

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

Nays: None

No further action was taken.

15. Adjournment

Motion: Move to adjourn.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

The meeting was adjourned at the noted time of 8:15 p.m.

Mayor

City Clerk

Broken Arrow City Council Minutes Page 10 of 18 December 16, 2008