

**BROKEN ARROW CITY COUNCIL MINUTES**  
**January 22, 2008**

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, January 22, 2008, at 6:30 p.m.

**1. Call to Order**

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

**2. Invocation**

**Section Minutes:** Pastor Mike Hutsell of Grace Free Will Baptist Church delivered the Invocation.

**3. Roll Call**

<b>Present:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Absent:</b>	None

**4. Pledge of Allegiance to the Flag**

**Section Minutes:** Councilman Thurmond led the Pledge of Allegiance.

**5. Consideration of Consent Agenda**

- A. Approval of the emergency meeting minutes of December 12, 2007
- B. Approval of the regular meeting minutes of January 7, 2008
- C. Approval of Major Change Order No. M01 to Downtown Gateways and Streetscapes Contract Nos. 061706 and 061707
- D. Approval of nomination of Kim Piper to fill a vacancy on the Broken Arrow Convention and Visitors Bureau, for a term of two years expiring September 2010
- E. Approval of appointment of Betty Gerber to the Convention and Visitors' Bureau, to fill a new position created by Ordinance No. 2921, which term will expire September 2010
- F. Approval of BAZ 1793, 8.10 acres, 1 lot, A-1 to C-2, northeast corner of Jasper Street (131st Street) and Aspen Avenue (145th East Avenue)
- G. Approval of PT02-106, Revised Conditional Final Plat of Highlands III at Forest Ridge, 39.67 acres, 97 lots, R-3, one-half mile east of Oneta Road (241st East Avenue), one-quarter mile south of Houston Street (81st Street)
- H. Approval of PT07-115, Conditional Final Plat of Metropolitan Station II, 14.31 acres, 4 lots, C-2 & C-3 to C-2, C-4, and PUD 179, north and west of the northwest corner of Kenosha Street (71st Street) and Aspen Avenue (145th East Avenue)
- I. Approval of PT07-121, Conditional Final Plat of the Colonies at Aspen Park, 14.39 acres, 1 lot, R-5/PUD 118C, one-quarter to one-half mile north of the northeast corner of Aspen Avenue (145th East Avenue) and Kenosha Street (71st Street)
- J. Approval of PUD 185 and BAZ 1792, 8.57 acres, R-1 to O-3 and PUD 185, 1 lot, one-half mile south of Kenosha Street (71st Street), east of Garnett Road (113th East Avenue)
- K. Approval of bids received and award of the most advantageous bid to Riverside Autoplex for ten Police Patrol Units
- L. Approval of bids received and award of the most advantageous bid to United Ford for three crew cab pickups
- M. Approval of bids received and award of the most advantageous bid to the State Contract by Riverside Autoplex for two F150 pickups
- N. Approval of bids received and award of the most advantageous bid to the State Contract by City Chevrolet for a Chevrolet Express van and to United Ford for an E250 van
- O. Approval of bids received and award of the most advantageous bid to the State Contract by Riverside Autoplex for one ½ ton Ford E150 van
- P. Approval of bids received and award of the most advantageous bid to the State Contract by Carter Chevrolet for three Chevrolet Impalas
- Q. Approval of bids received and award of the most advantageous bid to the State Contract by United Ford for one Ford F150 super cab

Broken Arrow City Council Minutes Page 1 of 7  
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2. Invocation

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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 Thurmond led the Pledge of Allegiance.

5. Consideration of Consent Agenda

A. Approval of the emergency meeting minutes of December 12, 2007

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C. Approval of Major Change Order No. M01 to Downtown Gateways and Streetscapes Contract Nos. 061706 and 061707

D. Approval of nomination of Kim Piper to fill a vacancy on the Broken Arrow Convention and Visitors Bureau, for a term of two years expiring September 2010

E. Approval of appointment of Betty Gerber to the Convention and Visitors' Bureau, to fill a new position created by Ordinance No. 2921, which term will expire September 2010

F. Approval of BAZ 1793, 8.10 acres, 1 lot, A-1 to C-2, northeast corner of Jasper Street 131st Street) and Aspen Avenue 145th East Avenue)

G. Approval of PT02-106, Revised Conditional Final Plat of Highlands III at Forest Ridge, 39.67 acres, 97 lots, R-3, one-half mile east of Oneta Road 241st East Avenue), one-quarter mile south of Houston Street 81st Street)

H. Approval of PT07-115, Conditional Final Plat of Metropolitan Station II, 14.31 acres, 4 lots, C-2 & C-3 to C-2, C-4, and PUD 179, north and west of the northwest corner of Kenosha Street 71st Street) and Aspen Avenue 145th East Avenue)

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- J. Approval of PUD 185 and BAZ 1792, 8.57 acres, R-1 to O-3 and PUD 185, 1 lot, one-half mile south of Kenosha Street 71st Street), east of Garnett Road 113th East Avenue)
- K. Approval of bids received and award of the most advantageous bid to Riverside Autoplex for ten Police Patrol Units
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- M. Approval of bids received and award of the most advantageous bid to the State Contract by Riverside Autoplex for two F150 pickups
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- P. Approval of bids received and award of the most advantageous bid to the State Contract by Carter Chevrolet for three Chevrolet Impalas
- Q. Approval of bids received and award of the most advantageous bid to the State Contract by United Ford for one Ford F150 super cab

- R. Acceptance of a Storm Sewer Easement from John F. and Jackie Kay Quick P21A (S26 T18N R14E) [Project: STO 526 New Orleans Widening (Elm Place to 9th Street)]
- S. Acceptance of a Temporary Construction Easement from T.B.J., Inc. P24.1 (S26 T18N R14E) [Project: STO 526 New Orleans Widening (Elm Place to 9th Street)]
- T. Acceptance of a General Warranty Deed from Chae Song Ko & Young Eun Ko Parcel No. 7 (S23 T18N R14E) (Project: STO534 - Washington Street 1st Place to 9th Street)
- U. Acceptance of a General Warranty Deed from Chae Song Ko & Young Eun Ko Parcel No. 8 (S23 T18 R14E) (Project: STO534 - Washington Street 1st Place to 9th Street)
- V. Acceptance of a General Warranty Deed from The Kennard Living Trust Parcel No. 2 (S18 T18N R15E) (Project: ST9814-A - Washington Street Extension from 23rd Street to SH51)
- W. Approval of the Claims List

**Section Minutes:** Mayor McCaleb asked if there were any items to be removed from the Consent Agenda for discussion. There were no items removed. Mayor McCaleb asked for a motion.

<b>Motion:</b>	<b>Move to approve the Consent Agenda as submitted.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**6. Consideration of Items Removed from Consent Agenda**

**Section Minutes:** There were no items to consider and no action was taken.

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

- A. Recognition: Oklahoma Recreation and Park Society, Inc. 'Award of Excellence' for the Nienhuis Park facilities, and 'Award of Excellence' for the Pumpkin Hunt special event program

**Section Minutes:** City Manager Jim Twombly said that each year the Oklahoma Recreation and Park Society has an annual conference where awards are presented, and this year Broken Arrow received two awards. He said one award was the “Award of Excellence” recognizing Nienhuis Park facilities, and the second award was the “Award of Excellence” for the Pumpkin Hunt special event program. Mr. Twombly said Nienhuis Park was made possible by Council, the citizens in funding these efforts and Tulsa County through the Vision 2025 program. He added that the pumpkin hunt event was developed by Claudia Dyer of the City’s Parks Department and was a very popular event. Ms. Dyer was present for the Parks Department. Mr. Twombly commented the Parks and Recreation Staff continue to develop new events and programs which are well supported by the community.

Ms. Wilkening advised that Council needed to make a motion for action on this Item.

<b>Motion:</b>	<b>Move to accept and recognize the “Award of Excellence” for Nienhuis Park and the “Award of Excellence” for the Pumpkin Hunt Special Event.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**8. Citizens’ Opportunity to Address the Council (approximately 7:00 p.m.)**

**Section Minutes:** There were no requests to address the Council. There were requests to speak regarding Item 9B and Item 9J and these speakers would address Council as each item was taken for discussion.

**9. General Council Business**

- A. Consideration and possible approval of BACP 92, Old Town Villas, 0.64 acres, R-3, Level 2 to Level 3, southwest corner of Date Avenue and Elgin Street

**Item Minutes:** City Planner, Farhad Daroga, presented a brief background for this Item.

<b>Motion:</b>	<b>Move to approve BACP 92 as recommended by the Planning Commission and staff, and that the platting requirement be waived.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- B. Consideration and possible authorization for the establishment of the project and hiring of required consultants subject to normal contract requirements, to determine the feasibility of the City of Broken Arrow assuming the Wagoner County Rural Water District No. 4 service areas

R. Acceptance of a Storm Sewer Easement from John F. and Jackie Kay Quick P21A S26 T18N R14E) Project: STO 526 New Orleans Widening Elm Place to 9th Street)]

S. Acceptance of a Temporary Construction Easement from T.B.J., Inc. P24.1 S26 T18N R14E) Project: STO 526 New Orleans Widening Elm Place to 9th Street)]

T. Acceptance of a General Warranty Deed from Chae Song Ko & Young Eun Ko Parcel No. 7 S23 T18N R14E) Project: STO534 Washington Street 1st Place to 9th Street)

U. Acceptance of a General Warranty Deed from Chae Song Ko & Young Eun Ko Parcel No. 8 S23 T18 R14E) Project: STO534 Washington Street 1st Place to 9th Street)

V. Acceptance of a General Warranty Deed from The Kennard Living Trust Parcel No. 2 S18 T18N R15E) Project: ST9814-A Washington Street Extension from 23rd Street to SH51)

W. Approval of the Claims List

Section Minutes: Mayor McCaleb asked if there were any items to be removed from the Consent Agenda for discussion. There were no items removed. Mayor McCaleb asked for a motion.

Motion: Move to approve the Consent Agenda as submitted.

Motion by: Richard Carter

Second by: Craig Thurmond

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

Nays: None

## 6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items to consider and no action was taken.

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

A. Recognition: Oklahoma Recreation and Park Society, Inc. Award of Excellence' for the Nienhuis Park facilities, and Award of Excellence' for the Pumpkin Hunt special event program

Section Minutes: City Manager Jim Twombly said that each year the Oklahoma Recreation and Park Society has an annual conference where awards are presented, and this year Broken Arrow received two awards. He said one award was the Award of Excellence" recognizing Nienhuis Park facilities, and the second award was the Award of Excellence" for the Pumpkin Hunt special event program. Mr. Twombly said Nienhuis Park was made possible by Council, the citizens in funding these efforts and Tulsa County through the Vision 2025 program. He added that the pumpkin hunt event was developed by Claudia Dyer of the City's Parks Department and was a very popular event. Ms. Dyer was present for the Parks Department. Mr. Twombly commented the Parks and Recreation Staff continue to develop new events and programs which are well supported by the community.

Ms. Wilkening advised that Council needed to make a motion for action on this Item.

Motion: Move to accept and recognize the Award of Excellence" for Nienhuis Park and the Award of Excellence" for the Pumpkin Hunt Special Event.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

8. Citizens' Opportunity to Address the Council approximately 7:00 p.m.)

Section Minutes: There were no requests to address the Council. There were requests to speak regarding Item 9B and Item 9J and these speakers would address Council as each item was taken for discussion.

9. General Council Business

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Item Minutes: City Planner, Farhad Daroga, presented a brief background for this Item.

Motion: Move to approve BACP 92 as recommended by the Planning Commission and staff, and that the platting requirement be waived.

Motion by: Richard Carter

Second by: Craig Thurmond

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

Nays: None

B. Consideration and possible authorization for the establishment of the project and hiring of required consultants subject to normal contract requirements, to determine the feasibility of the City of Broken Arrow assuming the Wagoner County Rural Water District No. 4 service areas

**Item Minutes:** Assistant City Manager Dave Wooden presented a brief background for this Item. Mr. Wooden said the purchase of the Rural Water District was beneficial for a number of reasons. He reviewed the factors such as the differences between rural water district services and City services, the impact of having some areas inside Broken Arrow city limits served by the rural water district and how this might affect development in the portion of Broken Arrow within Wagoner County. Mr. Wooden said this Item requested authorization to hire the appropriate outside consultant to check legal standing of the rural water district, its financial standing, customer base and equipment on hand in order to determine if Council wants to proceed.

Ms. Wilkening introduced Mr. Riffe, Counsel for Wagoner County Rural Water District No. 4. Mr. Riffe said that the information in the Fact Sheet was not entirely correct and the water board believed there was no statutory authority for a city to buy a rural water district. Ms. Wilkening said that the City's outside counsel, Mr. Jim Milton, was present to address the question of statutory authority.

Mr. Milton said there was a statutory right to purchase the Rural Water District if, first and foremost, there was agreement between the rural water district and the city to carry out the purchase. He said there were special regulations adopted by the Oklahoma Water Resources Board that allow for the rural water district to sell all its assets to a municipality. He added that, if the rural water district was not in agreement, the issue became more complex. Mr. Milton added that he believed it was possible to make progress through discussions between the parties.

Vice Mayor Lester asked if the City should spend the money on a study if the District did not want to sell. Mr. Twombly said that the City needs an initial evaluation of legal and financial issues and discussions regarding possible purchase and could not proceed without this basic information. Mr. Milton said the information obtained through the initial study would help determine what could be offered once talks began, and whether the Water District was indeed a willing participant. Vice Mayor Lester said he was concerned about spending \$150,000.00 for the study if the Rural Water District was not a willing seller. Mr. Milton explained that, if the Water District flatly refused to sell, that would make the process more complex and it might be necessary to request an Attorney General's opinion.

Mr. Milton added that Council was being asked to approve only the very first step of performing due diligence. Mayor McCaleb asked Mr. Milton how much of the funds might be spent during the due diligence process? Mr. Milton responded that it would be about 10% or 20% of the funds for the due diligence phase, and possibly 10% to 20% for the initial negotiations after due diligence.

<b>Motion:</b>	<b>Move to authorize the establishment of the project and hiring of required consultants subject to normal contract requirements.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

C. Consideration and acceptance of the City of Broken Arrow Audit Report for Fiscal Year 2006-2007

**Item Minutes:** Tom Caldwell, Director of Finance, presented this Item and said that he and staff would be available should Council have questions. He introduced Mr. Jack Murray of Tullius, Taylor, Sartain & Sartain, external auditors for the City. Mr. Murray reported that audit resulted in a clean opinion; there were no internal control deficiencies, and no non-compliance issues. There were no further questions or discussion.

<b>Motion:</b>	<b>Move to accept the audit report for fiscal year 2006-2007.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

D. Consideration, possible approval of, and authorization to execute Resolution No. 501 - a Resolution of Necessity to condemn property located at 213 East New Orleans Street, Broken Arrow, Oklahoma

E. Consideration, possible approval of, and authorization to execute Resolution No. 502 - a Resolution of Necessity to condemn property located at 519 East News Orleans Street, Broken Arrow, Oklahoma

**Item Minutes:** Beth Anne Wilkening, City Attorney, presented Items 9D and 9E together and provided a brief background. Ms. Wilkening recommended Resolutions of Necessity 501 and 502.

<b>Motion:</b>	<b>Move to approve Resolution Nos. 501 and 502.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

F. Ratification of contracts with Ceres Environmental, TFR Enterprises, Inc., and Storm Reconstruction Services, Inc., for transporting debris from collection points to the debris disposal site at Northeastern State University (southwest of Washington Street and 209th East Avenue), approved by the City Manager under the authority granted by the City Council in Resolution No. 499 which extended the powers granted to the City Manager under Resolution No. 496

Item Minutes: Assistant City Manager Dave Wooden presented a brief background for this Item. Mr. Wooden said the purchase of the Rural Water District was beneficial for a number of reasons. He reviewed the factors such as the differences between rural water district services and City services, the impact of having some areas inside Broken Arrow city limits served by the rural water district and how this might affect development in the portion of Broken Arrow within Wagoner County. Mr. Wooden said this Item requested authorization to hire the appropriate outside consultant to check legal standing of the rural water district, its financial standing, customer base and equipment on hand in order to determine if Council wants to proceed.

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Mr. Milton said there was a statutory right to purchase the Rural Water District if, first and foremost, there was agreement between the rural water district and the city to carry out the purchase. He said there were special regulations adopted by the Oklahoma Water Resources Board that allow for the rural water district to sell all its assets to a municipality. He added that, if the rural water district was not in agreement, the issue became more complex. Mr. Milton added that he believed it was possible to make progress through discussions between the parties.

Vice Mayor Lester asked if the City should spend the money on a study if the District did not want to sell. Mr. Twombly said that the City needs an initial evaluation of legal and financial issues and discussions regarding possible purchase and could not proceed without this basic information. Mr. Milton said the information obtained through the initial study would help determine what could be offered once talks began, and whether the Water District was indeed a willing participant. Vice Mayor Lester said he was concerned about spending \$150,000.00 for the study if the Rural Water District was not a willing seller. Mr. Milton explained that, if the Water District flatly refused to sell, that would make the process more complex and it might be necessary to request an Attorney General's opinion.

Mr. Milton added that Council was being asked to approve only the very first step of performing due diligence. Mayor McCaleb asked Mr. Milton how much of the funds might be spent during the due diligence process? Mr. Milton responded that it would be about 10% or 20% of the funds for the due diligence phase, and possibly 10% to 20% for the initial negotiations after due diligence.

Motion: Move to authorize the establishment of the project and hiring of required consultants subject to normal contract requirements.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

### C. Consideration and acceptance of the City of Broken Arrow Audit Report for Fiscal Year 2006-2007

Item Minutes: Tom Caldwell, Director of Finance, presented this Item and said that he and staff would be available should Council have questions. He introduced Mr. Jack Murray of Tullius, Taylor, Sartain & Sartain, external auditors for the City. Mr. Murray reported that audit resulted in a clean opinion; there were no internal control deficiencies, and no non-compliance issues. There were no further



questions or discussion.

Motion: Move to accept the audit report for fiscal year 2006-2007.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

D. Consideration, possible approval of, and authorization to execute Resolution No. 501 a Resolution of Necessity to condemn property located at 213 East New Orleans Street, Broken Arrow, Oklahoma

E. Consideration, possible approval of, and authorization to execute Resolution No. 502 a Resolution of Necessity to condemn property located at 519 East News Orleans Street, Broken Arrow, Oklahoma

Item Minutes: Beth Anne Wilkening, City Attorney, presented Items 9D and 9E together and provided a brief background. Ms. Wilkening recommended Resolutions of Necessity 501 and 502.

Motion: Move to approve Resolution Nos. 501 and 502.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

F. Ratification of contracts with Ceres Environmental, TFR Enterprises, Inc., and Storm Reconstruction Services, Inc., for transporting debris from collection points to the debris disposal site at Northeastern State University southwest of Washington Street and 209th East Avenue), approved by the City Manager under the authority granted by the City Council in Resolution No. 499 which extended the powers granted to the City Manager under Resolution No. 496

**Item Minutes:** Mr. Dave Wooden, Assistant City Manager, presented the background for this Item as presented in the Fact Sheet and attached maps.

<b>Motion:</b>	<b>Move to ratify the contract awards approved by the City Manager under the authority granted by the City Council in Resolution 499 which extended the powers granted to the City Manager under Resolution 496.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- G. Consideration and possible approval of nominations to fill a vacancy on the Broken Arrow Planning Commission created by the resignation of Renate Caldwell, whose term expires May 5, 2009

**Item Minutes:** Vice Mayor Lester presented his nomination of Jack Keeling to fill a vacancy on the Planning Commission for a term expiring May 5, 2009. Ms. Wilkening asked about Mr. Keeling's position on the Board of Adjustment in regard to avoiding any potential conflict of interest, and Vice Mayor Lester said that Mr. Keeling was resigning from that Board.

<b>Motion:</b>	<b>Move to approve nomination of Jack Keeling to fill the vacancy on the Broken Arrow Planning Commission, created by the resignation of Renate Caldwell.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- H. Consideration and possible approval of nominations of Philip Tucker to Position 1 (Council representative), Fred Dorrell to Position 2 (Planning Commission representative), and Greg Graham to Position 3 (At-Large position) to fill vacancies on the Downtown Advisory Board created by the expired terms of Richard Carter, Ricky Jones and Terry Almon, whose terms expired December 2007

**Item Minutes:** Mayor McCaleb presented his nominations of Philip Tucker to Position 1 (Council representative), Fred Dorrell to Position 2 (Planning Commission representative), and Greg Graham to Position 3 (At-Large position) to fill vacancies on the Downtown Advisory Board. There were no questions or discussion.

<b>Motion:</b>	<b>Move to approve nominations of Philip Tucker to Position 1, Fred Dorrell to Position 2, and Greg Graham to Position 3 to fill vacancies on the Downtown Advisory Board created by the expired terms of Richard Carter, Ricky Jones and Terry Almon.</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- I. Consideration, possible approval of and authorization to execute a Letter of Intent to negotiate exclusively with Stoney Creek Hospitality Corporation for construction and operation of a Hotel-Conference Center

**Item Minutes:** Mr. Twombly presented this Item. He said that last year a request for interest/qualifications in regards to the City's proposed conference center was mailed out. He added that 7 responses were received and through the selection committee process, Stoney Creek Hospitality met the qualifications. Mr. Twombly said that the City was prepared to execute a Letter of Intent informing them that the City has selected them as a partner, and request additional details regarding the facilities they propose to build based on their review of the market in Broken Arrow. Following a brief discussion, Mayor McCaleb asked for a motion on this Item.

<b>Motion:</b>	<b>Move to approve the Letter of Intent with Stoney Creek Hospitality.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

- J. Review, discussion of, and possible action on the proposed East Side Development Study and the corresponding changes in the Broken Arrow Comprehensive Plan

**Item Minutes:** Michael Skates presented the study and reviewed the conceptual plan.

The following citizens requested to speak: Mr. Calvin Garner, Mr. Ronald Deeble, Mr. David Mankins, and Ms. Lisa Boevers.

These citizens expressed concern about development and its impact on Camino Villa. They said they wanted to be a part of the process, expressed concern, regarding the East Side Development Plan which showed a road on the site that is now Camino Villa, asked for the City's continued help in cleaning up their community, and said the community was trying to organize their own association to work with homeowners in Camino Villa.

The following citizens requested to record their opposition to Item 5J:

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January 22, 2008

Item Minutes: Mr. Dave Wooden, Assistant City Manager, presented the background for this Item as presented in the Fact Sheet and attached maps.

Motion: Move to ratify the contract awards approved by the City Manager under the authority granted by the City Council in Resolution 499 which extended the powers granted to the City Manager under Resolution 496.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

G. Consideration and possible approval of nominations to fill a vacancy on the Broken Arrow Planning Commission created by the resignation of Renate Caldwell, whose term expires May 5, 2009

Item Minutes: Vice Mayor Lester presented his nomination of Jack Keeling to fill a vacancy on the Planning Commission for a term expiring May 5, 2009. Ms. Wilkening asked about Mr. Keeling's position on the Board of Adjustment in regard to avoiding any potential conflict of interest, and Vice Mayor Lester said that Mr. Keeling was resigning from that Board.

Motion: Move to approve nomination of Jack Keeling to fill the vacancy on the Broken Arrow Planning Commission, created by the resignation of Renate Caldwell.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

H. Consideration and possible approval of nominations of Philip Tucker to Position 1 Council representative), Fred Dorrell to Position 2 Planning Commission representative), and Greg Graham to Position 3 At-Large position) to fill vacancies on the Downtown Advisory Board created by the expired terms of Richard Carter, Ricky Jones and Terry Almon, whose terms expired December 2007

Item Minutes: Mayor McCaleb presented his nominations of Philip Tucker to Position 1 Council representative), Fred Dorrell to Position 2 Planning Commission representative), and Greg Graham to Position 3 At-Large position) to fill vacancies on the Downtown Advisory Board. There were no questions or discussion.

Motion: Move to approve nominations of Philip Tucker to Position 1, Fred Dorrell to Position 2, and Greg Graham to Position 3 to fill vacancies on the Downtown Advisory Board created by the expired terms of Richard Carter, Ricky Jones and Terry Almon.

Motion by: Wade McCaleb

Second by: Mike Lester

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

Nays: None

I. Consideration, possible approval of and authorization to execute a Letter of Intent to negotiate exclusively with Stoney Creek Hospitality Corporation for construction and operation of a Hotel-

## Conference Center

Item Minutes: Mr. Twombly presented this Item. He said that last year a request for interest/qualifications in regards to the City's proposed conference center was mailed out. He added that 7 responses were received and through the selection committee process, Stoney Creek Hospitality met the qualifications. Mr. Twombly said that the City was prepared to execute a Letter of Intent informing them that the City has selected them as a partner, and request additional details regarding the facilities they propose to build based on their review of the market in Broken Arrow. Following a brief discussion, Mayor McCaleb asked for a motion on this Item.

Motion: Move to approve the Letter of Intent with Stoney Creek Hospitality.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

## J. Review, discussion of, and possible action on the proposed East Side Development Study and the corresponding changes in the Broken Arrow Comprehensive Plan

Item Minutes: Michael Skates presented the study and reviewed the conceptual plan.

The following citizens requested to speak: Mr. Calvin Garner, Mr. Ronald Deeble, Mr. David Mankins, and Ms. Lisa Boevers.

These citizens expressed concern about development and its impact on Camino Villa. They said they wanted to be a part of the process, expressed concern, regarding the East Side Development Plan which showed a road on the site that is now Camino Villa, asked for the City's continued help in cleaning up their community, and said the community was trying to organize their own association to work with homeowners in Camino Villa.

The following citizens requested to record their opposition to Item 5J:

Euda Jones, Lorine Jones, Dayle Jones, Jewel Griffith, Kent Ashbrener, Kathleen Williams, Loretta Davis, Phil Billingslea, Bob Elder, Betty Carpenter, Dennis and Jane Bush, Michael Teague, Randy Hemphill, Delbert Hogue, Rita Harbour, Pam Seaborn, Phillip Turner, Bobby and Wanda Taylor, Brenda and Eugene Taylor, Johnny Victory, Nancy Thompsen, Mary Bonds, John Ockenfels, Mrs. Burris, Angela Davidson, Alice Brewster, Roy and Tina Johnson, Paula Matteuzzi, Richard Boone, Wanda Grimmett, Fernando Vargas.

No action was required, and no action was taken.

**10. City Manager’s Report**

A. Employee Survey Results

**Section Minutes:** Mr. Twombly presented the results of the Employee survey and said the survey is available to view. He said the City has approximately 650 employees and that forty-two percent responded to the survey. He added that the next step was to plan a course of action for making use of the survey results. Mr. Twombly explained that he has asked department directors for advice on steps to take for working with employees on development of programs to address issues identified in the report.

Mr. Twombly added that he also met with Brigitte Steinheider, MBA, Ph. D, Director and Assistant Professor Organizational Dynamics and Psychology with the University of Oklahoma. He said that Dr. Steinheider advised that the next step should involve meeting with employees on a department by department basis to better understand employee responses and the reasons behind them. Mr. Twombly said that Dr. Steinheider will make the survey part of a class project in a three week, intense problem solving class that begins immediately. He stated that the product of the class project would be a communication plan that includes a menu of programs that can be used to improve communication between management and employees.

**11. Preview Ordinances**

- A. An ordinance amending the Broken Arrow Code, Section 2-511 establishing the Planning Commission; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. An ordinance amending Chapter 4, Article I, Section 4-1 of the Broken Arrow Code pertaining to Definitions; repealing all ordinances to the contrary; and declaring an emergency
- C. An ordinance amending Chapter 4, Article II, Section 4-13 of the Broken Arrow Code pertaining to transporting alcoholic beverages in opened containers; possession in public places; repealing all ordinances to the contrary; and declaring an emergency
- D. An ordinance amending Chapter 4, Article II, Section 4-14 of the Broken Arrow Code pertaining to the possession of intoxicating beverage or low point beer by minors; repealing all ordinances to the contrary; and declaring an emergency
- E. An ordinance amending Chapter 4, Article II, Section 4-15 of the Broken Arrow Code pertaining to the sale or delivery of alcoholic beverages to intoxicated, insane, or mentally deficient persons; repealing all ordinances to the contrary; and declaring an emergency
- F. An ordinance creating Chapter 4, Article II, Section 4-19 of the Broken Arrow Code pertaining to Minors not to misrepresent age for the purpose of buying; repealing all ordinances to the contrary; and declaring an emergency
- G. An ordinance repealing Chapter 4, Article V, Section 4-92 of the Broken Arrow Code in its entirety
- H. An ordinance repealing Chapter 4, Article V, Section 4-93 of the Broken Arrow Code in its entirety
- I. An ordinance amending Chapter 16, Article I, Section 16-12 of the Broken Arrow Code pertaining to Disturbing the peace; disorderly conduct; repealing all ordinances to the contrary; and declaring an emergency
- J. An ordinance amending Chapter 16, Article III, Section 16-57 of the Broken Arrow Code pertaining to the buying, receiving, etc., stolen property; repealing all ordinances to the contrary; and declaring an emergency
- K. An ordinance amending the Broken Arrow Code, Article XIV, Sections 2-211 and 2-212, Broken Arrow Convention and Visitors' Bureau; Repealing all ordinances to the contrary; and declaring an emergency

**Section Minutes:** Ms. Wilkening presented the Preview Ordinances. She reviewed all items and advised that Items 11B through Item 11H be tabled until the February 4, 2008 meeting.

<b>Motion:</b>	<b>Move to Table Preview Ordinance Item Nos. 11B through 11H.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

Euda Jones, Lorine Jones, Dayle Jones, Jewel Griffith, Kent Ashbrenner, Kathleen Williams, Loretta Davis, Phil Billingslea, Bob Elder, Betty Carpenter, Dennis and Jane Bush, Michael Teague, Randy Hemphill, Delbert Hogue, Rita Harbour, Pam Seaborn, Phillip Turner, Bobby and Wanda Taylor, Brenda and Eugene Taylor, Johnny Victory, Nancy Thompsen, Mary Bonds, John Ockenfels, Mrs. Burris, Angela Davidson, Alice Brewster, Roy and Tina Johnson, Paula Matteuzzi, Richard Boone, Wanda Grimmett, Fernando Vargas.

No action was required, and no action was taken.

#### 10. City Manager's Report

##### A. Employee Survey Results

Section Minutes: Mr. Twombly presented the results of the Employee survey and said the survey is available to view. He said the City has approximately 650 employees and that forty-two percent responded to the survey. He added that the next step was to plan a course of action for making use of the survey results. Mr. Twombly explained that he has asked department directors for advice on steps to take for working with employees on development of programs to address issues identified in the report.

Mr. Twombly added that he also met with Brigitte Steinheider, MBA, Ph. D, Director and Assistant Professor Organizational Dynamics and Psychology with the University of Oklahoma. He said that Dr. Steinheider advised that the next step should involve meeting with employees on a department by department basis to better understand employee responses and the reasons behind them. Mr. Twombly said that Dr. Steinheider will make the survey part of a class project in a three week, intense problem solving class that begins immediately. He stated that the product of the class project would be a communication plan that includes a menu of programs that can be used to improve communication between management and employees.

#### 11. Preview Ordinances

A. An ordinance amending the Broken Arrow Code, Section 2-511 establishing the Planning Commission; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. An ordinance amending Chapter 4, Article I, Section 4-1 of the Broken Arrow Code pertaining to Definitions; repealing all ordinances to the contrary; and declaring an emergency

C. An ordinance amending Chapter 4, Article II, Section 4-13 of the Broken Arrow Code pertaining to transporting alcoholic beverages in opened containers; possession in public places; repealing all ordinances to the contrary; and declaring an emergency

D. An ordinance amending Chapter 4, Article II, Section 4-14 of the Broken Arrow Code pertaining to the possession of intoxicating beverage or low point beer by minors; repealing all ordinances to the contrary; and declaring an emergency

E. An ordinance amending Chapter 4, Article II, Section 4-15 of the Broken Arrow Code pertaining to the sale or delivery of alcoholic beverages to intoxicated, insane, or mentally deficient persons; repealing all ordinances to the contrary; and declaring an emergency

F. An ordinance creating Chapter 4, Article II, Section 4-19 of the Broken Arrow Code pertaining to Minors not to misrepresent age for the purpose of buying; repealing all ordinances to the contrary; and

declaring an emergency

G. An ordinance repealing Chapter 4, Article V, Section 4-92 of the Broken Arrow Code in its entirety

H. An ordinance repealing Chapter 4, Article V, Section 4-93 of the Broken Arrow Code in its entirety

I. An ordinance amending Chapter 16, Article I, Section 16-12 of the Broken Arrow Code pertaining to Disturbing the peace; disorderly conduct; repealing all ordinances to the contrary; and declaring an emergency

J. An ordinance amending Chapter 16, Article III, Section 16-57 of the Broken Arrow Code pertaining to the buying, receiving, etc., stolen property; repealing all ordinances to the contrary; and declaring an emergency

K. An ordinance amending the Broken Arrow Code, Article XIV, Sections 2-211 and 2-212, Broken Arrow Convention and Visitors' Bureau; Repealing all ordinances to the contrary; and declaring an emergency

Section Minutes: Ms. Wilkening presented the Preview Ordinances. She reviewed all items and advised that Items 11B through Item 11H be tabled until the February 4, 2008 meeting.

Motion: Move to Table Preview Ordinance Item Nos. 11B through 11H.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

<b>Motion:</b>	<b>Move to forward Preview Ordinance Item Nos. 11A, 11I through 11K to the next agenda for possible adoption.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**12. Ordinances**

- A. Ordinance No. 2947 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 1560), approving BAZ 1722, granting DDD06-104, SP 204 and C-1 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. Ordinance No. 2948 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 1560), approving BAZ 1777, granting R-2 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. Ordinance No. 2949 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 1560), approving BAZ 1780, granting RE zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

**Section Minutes:** Ms. Wilkening presented the Ordinances for adoption, saying that all requirements have been met and approved by the Planning Commission. Staff recommends approval.

<b>Motion:</b>	<b>Move to approve Ordinance Nos. 2947, 2948, 2949.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve the Emergency Clause of Ordinance Nos. 2947, 2948, 2949.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**13. Remarks and Inquiries by Governing Body Members**

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

<b>Motion:</b>	<b>Move to recess to go into Broken Arrow Municipal Authority meeting.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

**Section Minutes:** The Mayor reconvened the regular meeting at the noted time of 9:07 pm.

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

**Section Minutes:** The Mayor reconvened the regular meeting at the noted time of 9:20 pm.

<b>Motion:</b>	<b>Move to enter into Executive Session.</b>
<b>Motion by:</b>	Philip Tucker
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	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 matters concerning the purchase and appraisal of real property for an event park under 25 O.S. §307(B)(3); and litigation regarding Twin Creeks Shopping Center, LLC v. City of Broken Arrow; Quicktrip Corporation v. City of Broken Arrow; City of Broken Arrow v. Rachel Boeckman, et al.; City of Broken Arrow v. Jack R. Snedden, et al.; City of Broken Arrow v. Lynda Jean Kepford; City of Broken Arrow v. Edwin Giles Cox, et al., and Greg Neely v. City of Broken Arrow; all under 25 O.S. § 307(B)(3) & 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.



Motion: Move to forward Preview Ordinance Item Nos. 11A, 11I through 11K to the next agenda for possible adoption.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

## 12. Ordinances

A. Ordinance No. 2947 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 1560), approving BAZ 1722, granting DDD06-104, SP 204 and C-1 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. Ordinance No. 2948 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 1560), approving BAZ 1777, granting R-2 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

C. Ordinance No. 2949 an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 1560), approving BAZ 1780, granting RE zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Section Minutes: Ms. Wilkening presented the Ordinances for adoption, saying that all requirements have been met and approved by the Planning Commission. Staff recommends approval.

Motion: Move to approve Ordinance Nos. 2947, 2948, 2949.

Motion by: Craig Thurmond

Second by: Richard Carter

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

Nays: None

Motion: Move to approve the Emergency Clause of Ordinance Nos. 2947, 2948, 2949.

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: There were no remarks or inquiries.

Motion: Move to recess to go into Broken Arrow Municipal Authority meeting.

Motion by: Craig Thurmond

Second by: Philip Tucker

Ayes: Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb  
Nays: None

Section Minutes: The Mayor reconvened the regular meeting at the noted time of 9:07 pm.

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

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Section Minutes: The Mayor reconvened the regular meeting at the noted time of 9:20 pm.

Motion: Move to enter into Executive Session.

Motion by: Philip Tucker

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 matters concerning the purchase and appraisal of real property for an event park under 25 O.S 307(B)(3); and litigation regarding Twin Creeks Shopping Center, LLC v. City of Broken Arrow; Quicktrip Corporation v. City of Broken Arrow; City of Broken Arrow v. Rachel Boeckman, et al.; City of Broken Arrow v. Jack R. Snedden, et al.; City of Broken Arrow v. Lynda Jean Kepford; City of Broken Arrow v. Edwin Giles Cox, et al., and Greg Neely v. City of Broken Arrow; all under 25 O.S. 307(B)(3) & 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 meeting.

<b>Motion:</b>	<b>Move to authorize the City Manager to continue negotiations for the possible purchase of property for an events park.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to authorize the City Attorney's office to execute a Journal Entry of Judgment foreclosing the area described in Quicktrip Corporation v. City of Broken Arrow, et. al.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	Philip Tucker

<b>Motion:</b>	<b>Move to ratify the City Attorney's office's execution of a Journal Entry of Judgment foreclosing the area described in Twin Creeks Shopping Center, LLC v. City of Broken Arrow, et al.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to authorize settlement in the amount of \$4,200 in the City of Broken Arrow v. Rachel Boeckman, et al.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to authorize settlement in the amount of \$6,000 in the City of Broken Arrow v. Jack R. Snedden, et al.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to authorize settlement in the amount of \$6,500 in the City of Broken Arrow v. Lynda Jean Kepford, et al.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Philip Tucker
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to authorize the City Attorney's office to make a counter-offer in the case of the City of Broken Arrow v. Edwin Giles Cox, et al.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to authorize the City Attorneys office to extend a counter-offer in the case of Greg Neely v. the City of Broken Arrow.</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb
<b>Nays:</b>	Craig Thurmond

**15. Adjournment**

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

**Section Minutes:** The meeting was adjourned at the noted time of 10:10 pm.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

January 22, 2008

Broken Arrow City Council Minutes Page 7 of 7

Section Minutes: The Mayor reconvened the regular meeting.

Motion: Move to authorize the City Manager to continue negotiations for the possible purchase of property for an events park.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

Motion: Move to authorize the City Attorney's office to execute a Journal Entry of Judgment foreclosing the area described in Quicktrip Corporation v. City of Broken Arrow, et. al.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: Philip Tucker

Motion: Move to ratify the City Attorney's office's execution of a Journal Entry of Judgment foreclosing the area described in Twin Creeks Shopping Center, LLC v. City of Broken Arrow, et al.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Motion: Move to authorize settlement in the amount of \$4,200 in the City of Broken Arrow v. Rachel Boeckman, et al.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

Motion: Move to authorize settlement in the amount of \$6,000 in the City of Broken Arrow v. Jack R. Snedden, et al.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Motion: Move to authorize settlement in the amount of \$6,500 in the City of Broken Arrow v. Lynda Jean Kepford, et al.

Motion by: Mike Lester

Second by: Philip Tucker

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

Nays: None

Motion: Move to authorize the City Attorney's office to make a counter-offer in the case of the City of Broken Arrow v. Edwin Giles Cox, et al.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Motion: Move to authorize the City Attorneys office to extend a counter-offer in the case of Greg Neely v. the City of Broken Arrow.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: Craig Thurmond

## 15. Adjournment

Motion: Move to adjourn.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

Section Minutes: The meeting was adjourned at the noted time of 10:10 pm.

Mayor

City Clerk