

**BROKEN ARROW CITY COUNCIL MINUTES**  
**June 3, 2008**

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, June 3, 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 Herb Schultz from Lord of Life 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 those present in the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

**Section Minutes:** The Mayor introduced the Consent Agenda.

- A. Approval of the regular meeting minutes of May 20, 2008
- B. Acceptance of minutes of the Planning Commission meeting held May 8, 2008
- C. Ratification of a proclamation declaring May 29, 2008 as "R. C. Dickenson Family YMCA Day", in Broken Arrow
- D. Approval of Low Impact Development Committee appointments of Steve Arant, Streets and Stormwater Department Representative; Michael Skates, Development Services Department Representative; Scott Esmond, Parks Department Representative; Kenneth Schwab, Engineering Department Representative; and Doug Shrout, Private Development Company Representative, to each serve a one-year term which will expire June 2009
- E. Approval of declaration of City-owned equipment as surplus, and approval for their sale through public auction
- F. Approval of the renewal of the Business and Auto Insurance for Battle Creek Golf Course for Fiscal Year 2008-09
- G. Approval of and authorization to execute Budget Amendment No. 8 Supplemental Information for Fiscal Year 2007-2008, and the Architect/Engineer contract with Fritz Baily Inc., for St. John Hospital plan review and construction inspection
- H. Dismissal of Mobile Home Permit No. 17C, (SP No. 4) Salvation Army Boys Club, one-half mile west of Elm Place (161st East Avenue), north of Washington Street (91st Street)
- I. Approval of BAZ 1800, 1.12 acres, 1 lot, AR-1 to RS-1, one-quarter mile east of Elm Place (161st Street), one-third mile north of Jasper Street (131st Street), at 12755 South 163rd East Avenue
- J. Approval of PT08-108, Conditional Final Plat for Shops at Lynn Lane, 9.39 acres, 3 lots, CH, IL, and PUD 186, one-quarter mile north of the Broken Arrow Expressway, west of 9th Street (Lynn Lane/177th East Avenue)
- K. Approval of bids received and award of the most advantageous bid to APAC Oklahoma, Inc., for construction of the New Orleans Street (101st Street) and Olive Avenue (129th East Avenue) Intersection Improvements

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Broken Arrow City Council Minutes Page 1 of 6  
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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 those present in the Pledge of Allegiance to the Flag.

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Section Minutes: The Mayor introduced the Consent Agenda.

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E. Approval of declaration of City-owned equipment as surplus, and approval for their sale through public auction

F. Approval of the renewal of the Business and Auto Insurance for Battle Creek Golf Course for Fiscal Year 2008-09

G. Approval of and authorization to execute Budget Amendment No. 8 Supplemental Information for Fiscal Year 2007-2008, and the Architect/Engineer contract with Fritz Baily Inc., for St. John Hospital plan review and construction inspection

H. Dismissal of Mobile Home Permit No. 17C, SP No. 4) Salvation Army Boys Club, one-half mile west of Elm Place 161st East Avenue), north of Washington Street 91st Street)

I. Approval of BAZ 1800, 1.12 acres, 1 lot, AR-1 to RS-1, one-quarter mile east of Elm Place 161st Street), one-third mile north of Jasper Street 131st Street), at 12755 South 163rd East Avenue

J. Approval of PT08-108, Conditional Final Plat for Shops at Lynn Lane, 9.39 acres, 3 lots, CH, IL, and PUD 186, one-quarter mile north of the Broken Arrow Expressway, west of 9th Street Lynn Lane/177th East Avenue)

K. Approval of bids received and award of the most advantageous bid to APAC Oklahoma, Inc., for construction of the New Orleans Street 101st Street) and Olive Avenue 129th East Avenue) Intersection Improvements



- L. Approval of bids received and award of the most advantageous bid to Red Rock CDT, Inc., for transportation of storm debris from two parks debris sites to the disposal site at NSU
- M. Approval of Final Acceptance and donation of Greenway Business Park, public improvements: Storm Water Conveyance System
- N. Approval of Final Acceptance and donation of The Highlands III & IV at Forest Ridge, public improvements: Water Distribution System; Sanitary Sewer Collection System; and Storm Water Conveyance System
- O. Approval of Final Acceptance and donation of Quik Trip Store No. 80, public improvements: Water Distribution System; Off-Site Storm Water Conveyance System; and Roadway, Street and Sidewalk Improvements
- P. Acceptance of a Temporary Construction Easement from Carl and Mazine Agimudie (S35 T19N R14E) (Project: 9th Street Widening Albany to Omaha ST0529)
- Q. Acceptance of a Utility Easement from City of Broken Arrow, a Municipal Corporation (S2 T17N R14E) (Project: Ray Harrell Nature Center)
- R. Acceptance of a General Warranty Deed from Alice Hensley Burkett and Byron Burkett (S14 T18N R14E) (Project: Washington St From 1st Pl to 9th St)
- S. Acceptance of a General Warranty Deed from Kelvin and Diane Martin (S9 T18N R14E) (Project: N&S Olive Ave between Houston & Kenosha ST0524)
- T. Approval of the Claims List

<b>Motion:</b>	<b>Move to approve the Consent Agenda as submitted.</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

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

There were no items to consider and no action was taken.

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

A. Public Hearing: Proposed 2008-2009 Fiscal Year Budget

**Item Minutes:** The Mayor stated that the public hearing for the proposed Fiscal Year 2008-2009 budget for the City of Broken Arrow was now open. The Mayor called three times for speakers regarding the proposed budget. Mayor McCaleb then announced that having called three times for speakers, and no one having come forward, the public hearing was now closed.

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

**Section Minutes:** No one was present to address Council.

**9. General Council Business**

A. Consideration and possible approval of PUD 189, Villas at Country Lane, 53.75 acres, 1 lot, CG, RM and PUD 40, north of Albany Street (61st Street), and one-fourth mile west of 9th Street (Lynn Lane Road/177th East Avenue)

L. Approval of bids received and award of the most advantageous bid to Red Rock CDT, Inc., for transportation of storm debris from two parks debris sites to the disposal site at NSU

M. Approval of Final Acceptance and donation of Greenway Business Park, public improvements: Storm Water Conveyance System

N. Approval of Final Acceptance and donation of The Highlands III & IV at Forest Ridge, public improvements: Water Distribution System; Sanitary Sewer Collection System; and Storm Water Conveyance System

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P. Acceptance of a Temporary Construction Easement from Carl and Mazine Agimudie S35 T19N R14E) Project: 9th Street Widening Albany to Omaha ST0529)

Q. Acceptance of a Utility Easement from City of Broken Arrow, a Municipal Corporation S2 T17N R14E) Project: Ray Harrell Nature Center)

R. Acceptance of a General Warranty Deed from Alice Hensley Burkett and Byron Burkett S14 T18N R14E) Project: Washington St From 1st Pl to 9th St)

S. Acceptance of a General Warranty Deed from Kelvin and Diane Martin S9 T18N R14E) Project: N&S Olive Ave between Houston & Kenosha ST0524)

T. Approval of the Claims List

Motion: Move to approve the Consent Agenda as submitted.

Motion by: Mike Lester

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

There were no items to consider and no action was taken.

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

### A. Public Hearing: Proposed 2008-2009 Fiscal Year Budget

Item Minutes: The Mayor stated that the public hearing for the proposed Fiscal Year 2008-2009 budget for the City of Broken Arrow was now open. The Mayor called three times for speakers regarding the proposed budget. Mayor McCaleb then announced that having called three times for speakers, and no one having come forward, the public hearing was now closed.

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

Section Minutes: No one was present to address Council.

## 9. General Council Business

A. Consideration and possible approval of PUD 189, Villas at Country Lane, 53.75 acres, 1 lot, CG, RM and PUD 40, north of Albany Street 61st Street), and one-fourth mile west of 9th Street Lynn Lane Road/177th East Avenue)



**Item Minutes:** Mayor McCaleb said that no citizens requested to speak regarding Item 9A but that 30 had filled in forms requesting to record their opposition to this Item. The citizens wishing to record their opposition are as follows: M. Hallenbeck, Cynthia Boren, Carla Tupas, Victoria & Todd Peper, Sherry Brooks, Larry & Joy Ololo, Karen Serna, Tha Viong & Mai Vue, Kim Glaser, Buddy Eubanks, Paul Gorniak, Billie Jo Machmueller, Beverly Peterson, Tammy DeVault, Vicki Ruzicka, Terri Dickerson, Kellie Russell, Kristen Thomas, Scott Crane, Cornell Caum, Kelly Hamm, Patty Bentley, Cecilia Alonso, Betty J Miller, T. Sommers, Jimmy Hall, David Burke, Gary Kramme, Jan Kroutter, and S. Green.

Mr. Farhad Daroga, Planning Division Manager, presented the details regarding this item consistent with the Fact Sheet distributed in the Agenda packet. He explained that the Planning Commission reviewed PUD 189 during the meeting of May 8, 2008, and recommended approval with two additional requirements. Mr. Daroga said the Commission required that the screening fence along the north side of Development Area A, be setback a minimum of 75 feet, and secondly, that any three-story building must be setback a minimum of 150 feet from the north property line of Development Area A. Mr. Daroga said there were about 40 to 50 protestants present and a protest petition was submitted.

Mayor McCaleb asked if there would be enough parking spaces since there was going to be a reduction in the original number of planned spaces. Mr. Daroga said there should be enough spaces because a number of units were proposed to be small, one bedroom apartments with one car projected. Councilman Lester inquired about the sign size on the tower in the development. Mr. Daroga said the developer was asked to keep the sign size the same as the height of the building and that the tower was a clock tower.

Councilman Tucker asked what the major concerns of the 30 citizens that did not wish to speak and the 50 that attended the Planning Commission meeting were. Mr. Daroga said their major concerns dealt with density of the development, traffic, and that most citizens were from Country Lane and Country Crossing. Mr. Dave Wooden, Assistant City Manager, addressed Councilman Tucker's concerns regarding the impact of increased traffic on Lynn Lane. Mr. Wooden provided an update regarding the installation of additional traffic signals which he said should be operational by August 2008. Councilman Tucker asked if there were any underlying zoning changes involved with this PUD, and Mr. Daroga said there was not.

Mr. Charles Norman of Norman & Wohlgamuth, said he represented the applicant. Mr. Norman said the applicant has tried to be responsive to the staff and the requirements of the new Code. He added that the applicant, Mike Case, has extensive experience in developing apartments, and that this development was designed for professional, higher income residents. Mr. Norman responded to questions from Council saying that the lake on the development would contain water all the time as well as serving a purpose for stormwater retention, and he also reviewed other elements of the development such as landscaping and ornamental fencing.

Councilman Carter said that, although he did not usually favor such large apartment developments, he would vote yes on this Item because he knew the quality of Mike Case's developments.

<b>Motion:</b>	<b>Move to approve PUD 189 as recommended by the Planning commission and Staff.</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. Consideration, possible approval of and authorization to execute Resolution No. 525, a resolution of necessity to condemn property located at the southeast corner of Kenosha Street (71st Street) and Olive Avenue (129th East Avenue), Broken Arrow, Tulsa County, Oklahoma (Olive Street Widening)

**Item Minutes:** City Attorney, Beth Anne Wilkening, presented the background of this Item saying that Ms. Barnes had passed away. She pointed out that it was Ms. Barnes' son that was the actual party involved in this action.

<b>Motion:</b>	<b>Move to approve Resolution No. 525.</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

Item Minutes: Mayor McCaleb said that no citizens requested to speak regarding Item 9A but that 30 had filled in forms requesting to record their opposition to this Item. The citizens wishing to record their opposition are as follows: M. Hallenbeck, Cynthia Boren, Carla Tupas, Victoria & Todd Peper, Sherry Brooks, Larry & Joy Ololo, Karen Serna, Tha Viong & Mai Vue, Kim Glaser, Buddy Eubanks, Paul Gorniak, Billie Jo Machmueller, Beverly Peterson, Tammy DeVault, Vicki Ruzicka, Terri Dickerson, Kellie Russell, Kristen Thomas, Scott Crane, Cornell Caum, Kelly Hamm, Patty Bentley, Cecilia Alonso, Betty J Miller, T. Sommers, Jimmy Hall, David Burke, Gary Kramme, Jan Kroutter, and S. Green.

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Councilman Carter said that, although he did not usually favor such large apartment developments, he would vote yes on this Item because he knew the quality of Mike Case's developments.

Motion: Move to approve PUD 189 as recommended by the Planning commission and Staff.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

B. Consideration, possible approval of and authorization to execute Resolution No. 525, a resolution of necessity to condemn property located at the southeast corner of Kenosha Street 71st Street) and Olive Avenue 129th East Avenue), Broken Arrow, Tulsa County, Oklahoma Olive Street Widening)

Item Minutes: City Attorney, Beth Anne Wilkening, presented the background of this Item saying that Ms. Barnes had passed away. She pointed out that it was Ms. Barnes' son that was the actual party involved in this action.



Motion: Move to approve Resolution No. 525.

Motion by: Mike Lester

Second by: Richard Carter

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

Nays: None

C. Consideration, possible approval of and authorization to execute a contract with the International City/County Management Association for a comprehensive operations evaluation for the Fire and Police Departments

**Item Minutes:** City Manager, Jim Twombly, presented this item consistent with the Fact Sheet contained in the Agenda packet.

Mr. Twombly said the study will include analysis of public safety technology, budget issues, staffing and overtime, equipment, and administrative organization with the goal of determining future needs. Mr. Twombly added that the consultants can provide outside perspective and expertise that comes from dealing with the same issues on a nationwide basis. Mayor McCaleb asked where the funds to pay the consultant came from. Mr. Wooden said the source was sales tax in the operational budget side.

Councilman Tucker expressed concern about paying consultants \$63,000.00 to do work that the City had the expertise to do itself. Mayor McCaleb said he was concerned that money would be taken from the operational budget for this contract. Councilman Thurmond said he would vote for the contract because the Fire and Police Chiefs were in favor of it.

<b>Motion:</b>	<b>Move to approve the contract with the International City/County Management Association for a comprehensive operations evaluation for the Fire and Police Departments and authorize execution.</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Craig Thurmond, Richard Carter, Mike Lester
<b>Nays:</b>	Philip Tucker, Wade McCaleb

D. Consideration and possible approval of the Employee Health, Dental and Life Plan for Fiscal Year 2008-2009

**Item Minutes:** Mr. Russell Gale, Human Resources Director, introduced Ms. Melissa Sanden from Blue Cross Blue Shield of Oklahoma. Ms. Sanden distributed updated renewal information to the Council. She presented an overall review of the City’s plan to date and reviewed the projections prepared by the Blue Cross Blue Shield Underwriting Department.

In response to Council inquiries, Ms. Sanden noted the original renewal figures projected an increase to employees of 8%; however, Mr. Gale was able to provide Blue Cross with information from the City’s previous insurance carrier. She explained that prior to receiving that data, Blue Cross had to project what future claims would be. Ms. Sanden added that the figures provided were used to update Blue Cross estimates for FY 2008 – 2009. She said the cost to employees for Fiscal Year 2008-2009 will be flat. Mr. Gale added that with flat costs on the medical side and the decrease on the dental side, employees purchasing family coverage will be paying approximately \$6 per month less and employee only coverage will pay under \$1 per month less than they currently pay.

<b>Motion:</b>	<b>Move to approve the renewal of the Employee Health and Dental plan with Blue Cross, Blue Shield of Oklahoma for fiscal year 2008-09.</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

10. **City Manager’s Report**

There were no items to consider and no action was taken.

11. **Preview Ordinances**

There were no items to consider and no action was taken.

C. Consideration, possible approval of and authorization to execute a contract with the International City/County Management Association for a comprehensive operations evaluation for the Fire and Police Departments

Item Minutes: City Manager, Jim Twombly, presented this item consistent with the Fact Sheet contained in the Agenda packet.

Mr. Twombly said the study will include analysis of public safety technology, budget issues, staffing and overtime, equipment, and administrative organization with the goal of determining future needs. Mr. Twombly added that the consultants can provide outside perspective and expertise that comes from dealing with the same issues on a nationwide basis. Mayor McCaleb asked where the funds to pay the consultant came from. Mr. Wooden said the source was sales tax in the operational budget side.

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Motion: Move to approve the contract with the International City/County Management Association for a comprehensive operations evaluation for the Fire and Police Departments and authorize execution.

Motion by: Richard Carter

Second by: Mike Lester

Ayes: Craig Thurmond, Richard Carter, Mike Lester

Nays: Philip Tucker, Wade McCaleb

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Item Minutes: Mr. Russell Gale, Human Resources Director, introduced Ms. Melissa Sanden from Blue Cross Blue Shield of Oklahoma. Ms. Sanden distributed updated renewal information to the Council. She presented an overall review of the City's plan to date and reviewed the projections prepared by the Blue Cross Blue Shield Underwriting Department.

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Motion: Move to approve the renewal of the Employee Health and Dental plan with Blue Cross, Blue Shield of Oklahoma for fiscal year 2008-09.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

10. City Manager's Report

There were no items to consider and no action was taken.

11. Preview Ordinances

There were no items to consider and no action was taken.

**12. Ordinances**

There were no items to consider and no action was taken.

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

**Section Minutes:** Vice Chairman Lester said he would like to have a meeting between the two school districts and also requested an update on Rural Water District No. 4.

<b>Motion:</b>	<b>Move to recess to enter into Broken Arrow Municipal Authority meeting.</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

**Section Minutes:** The Mayor reconvened the regular session at the noted time of 7:49 p.m.

<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 session.

<b>Motion:</b>	<b>Move to enter into Executive Session.</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

- 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 pending litigation concerning City of Broken Arrow v. Terry L. Minnick, et al., Tulsa County District Court Case Number CJ-2008-1626; City of Broken Arrow v. Marquette, et al., Tulsa County District Court Case Number CJ-2007-00348; City of Broken Arrow v. Marquette, et al., Tulsa County District Court Case Number CJ-2007-00349, City of Broken Arrow v. George Linihan, et al., Wagoner County District Court Case Number CJ-2007-1336, and City of Broken Arrow v. D. B. Rutherford, et al, Tulsa County District Court Case Number CJ-2008-01622; all under 25 O.S. § 307(B)(4); and the possible purchase and appraisal of real property located north of Kenosha between North 27th Street and North 31st Street under 25 O.S. § 307(B)(3). 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 8:34 pm..

<b>Motion:</b>	<b>Move to ratify the City Attorney's filing of a Demand for Jury Trial in the City of Broken Arrow v. Terry L. Minnick, et al, and authorize settlement in the amount of \$16,000.00.</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

12. Ordinances

There were no items to consider and no action was taken.

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Vice Chairman Lester said he would like to have a meeting between the two school districts and also requested an update on Rural Water District No. 4.

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

Motion by: Mike Lester

Second by: Craig Thurmond

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 7:49 p.m.

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 session.

Motion: Move to enter into Executive Session.

Motion by: Mike Lester

Second by: Craig Thurmond

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 pending litigation concerning City of Broken Arrow v. Terry L. Minnick, et al., Tulsa County District Court Case Number CJ-2008-1626; City of Broken Arrow v. Marquette, et al., Tulsa County District Court Case Number CJ-2007-00348; City of Broken Arrow v. Marquette, et al., Tulsa County District Court Case Number CJ-2007-00349, City of Broken Arrow v. George Linihan, et al., Wagoner County District Court Case Number CJ-2007-1336, and City of Broken Arrow v. D. B. Rutherford, et al, Tulsa County District Court Case Number CJ-2008-01622; all under 25 O.S. 307(B)(4); and the possible purchase and appraisal of real property located north of Kenosha between North 27th Street and North 31st Street under 25 O.S. 307(B)(3). 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 8:34 pm..

Motion: Move to ratify the City Attorney's filing of a Demand for Jury Trial in the City of Broken Arrow v. Terry L. Minnick, et al, and authorize settlement in the amount of \$16,000.00.

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 authorize the City Attorney and the City Manager to proceed as directed in the case of George Linihan v. The City of Broken Arrow.</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 settle the case of City of Broken Arrow v. Rutherford, et. al, for the sum of \$21,500.00.</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 Attorney to extend a counter-offer of settlement in the cases of City of Broken Arrow v. Marquette.</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 Manager to proceed as directed with regard to the possible purchase and appraisal of real property located north of Kenosha between North 27<sup>th</sup> and North 31<sup>st</sup>.</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

No further action was taken.

## 15. Adjournment

<b>Motion:</b>	<b>Move to adjourn.</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

The meeting was adjourned at the noted time of 8:37 p.m.

\_\_\_\_\_  
Mayor

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



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June 3, 2008

Motion: Move to authorize the City Attorney and the City Manager to proceed as directed in the case of George Linihan v. The City of Broken Arrow.

Motion by: Mike Lester

Second by: Craig Thurmond

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

Nays: None

Motion: Move to settle the case of City of Broken Arrow v. Rutherford, et. al, for the sum of \$21,500.00.

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 Attorney to extend a counter-offer of settlement in the cases of City of Broken Arrow v. Marquette.

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 Manager to proceed as directed with regard to the possible purchase and appraisal of real property located north of Kenosha between North 27

th

and

North 31

st

Motion by: Mike Lester

Second by: Craig Thurmond

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 8:37 p.m.

Mayor

City Clerk