

BROKEN ARROW CITY COUNCIL MINUTES
November 4, 2008

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Tuesday, November 4, 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: Reverend Charles Allison of Northside Freewill Baptist Church 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: Councilman Thurmond asked that Item 5V be removed from the Consent Agenda due to a conflict.

- A. Approval of the regular meeting minutes of October 21, 2008
- B. Acceptance of the minutes of the Planning Commission meeting of October 9, 2008
- C. Ratification of a Proclamation commemorating Haskell Middle School's 50th Anniversary
- D. Ratification of a Proclamation acknowledging Trinity Lutheran Church's 25th Anniversary
- E. Ratification of Double Eagle Superfund Site Small Party Settlement Agreement
- F. Approval of nomination of Wayne Bishop and Patsy Terry for 2009 Honorary Mayor and Vice Mayor
- G. Approval of the City of Broken Arrow 2009 Meeting Calendar
- H. Approval of a Special Events Permit for Broken Arrow Civitans to hold their annual Christmas Parade on Saturday, December 6, 2008 at 10:00 a.m., including the temporary closing of Main Street from Elgin to Pittsburg Avenues
- I. Acceptance of an Oklahoma Department of Transportation 2008 Highway Tree Program Grant Award
- J. Approval of the Parks and Recreation Master Plan
- K. Approval of renewal of the All Risk Property and Commercial Liability Insurance Policy for the City-owned building occupied by Bass Pro Shops
- L. Approval of and authorization to execute a Second Amendment to Access Agreement between the City of Broken Arrow and Northeastern State University (NSU), extending the period for burning and disposal of storm debris until February 28, 2009

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Present:

Absent: None

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J. Approval of the Parks and Recreation Master Plan

K. Approval of renewal of the All Risk Property and Commercial Liability Insurance Policy for the City-owned building occupied by Bass Pro Shops

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November 4. 2009

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- M. Approval of and authorization to execute a contract with the Institute of Police Technology and Management (IPTM) to provide advanced traffic training on the investigation of bicycle and pedestrian related crash investigation
- N. Approval of and authorization to execute a Police Service Agreement between the City of Broken Arrow and the Board of Regents of Oklahoma Colleges/Northeastern State University Broken Arrow campus
- O. Approval of BAZ 1817. 0.98 acres. 1 lot. A-RMH to RMH. one-half mile north of Omaha Street (51st Street) and one-half mile east of 37th Street (209th East Avenue) at 21480 East 47th Street
- P. Approval of PT08-116. Conditional Final Plat for The Shops at Broken Arrow II. 32.62 acres. 6 lots. C-H. one-quarter mile east of 9th Street (Lynn Lane/177th East Avenue) and one-quarter mile north of the Broken Arrow Expressway
- Q. Approval of PT08-117. Conditional Final Plat of Turnberry Commercial. 12.87 acres. 2 lots. C-G (BAZ 1801). Southwest corner of Dearborn Street (41st Street) and 37th Street (209th E. Avenue)
- R. Approval of PT08-121. Conditional Final Plat for The Shops at Broken Arrow III. 8.09 acres. 3 lots. C-H. one-quarter mile east of 9th Street (Lynn Lane/177th East Avenue). north of the Broken Arrow Expressway
- S. Approval of PUD 192. 9100 Garnett Center. 6.62 acres. 1 lot. CN (BAZ 1763). northeast corner of Garnett Road (113th East Avenue) and Washington Street (91st Street)
- T. Acceptance of a Deed of Dedication from Lynn Lane Village, LLC (S35 T19 N R14 E) (Project: Schermerhorn Lot split)
- U. Approval of Partial Vacation of Plat for The Shops at Broken Arrow and authorization to execute 'Partial Vacation of the Plat and Partial Termination of Deed of Dedication and Restrictive Covenants of The Shops at Broken Arrow'
- V. Acceptance of a Sewerline Easement, two (2) Deeds of Dedication and three (3) Utility Easements from Buyer's Group, LLC (S11 T17 N R14 E) (Project: Lot Splits at Indian Springs Country Club)
- W. Acceptance of a Sewerline Easement from Roland Investments, Ltd (S3 T18N R14E) (Project: Stone Ridge Towne Center DN04-133)
- X. Approval of bids received and award of the most advantageous bid to Bound Tree Medical LLC, for two adult and two infant manikins and accessories
- Y. Approval of bids received and award of the most advantageous bid to RLM Construction Co., Inc., for the Police Department Remodel
- Z. Approval of the Claims List

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

Section Minutes: Councilman Thurmond was not present for the vote on Item 5V.

- 5V. Acceptance of a Sewerline Easement, two (2) Deeds of Dedication and three (3) Utility Easements from Buyer's Group, LLC (S11 T17 N R14 E) (Project: Lot Splits at Indian Springs Country Club)

M. Approval of and authorization to execute a contract with the Institute of Police Technology and Management IPTM) to provide advanced traffic training on the investigation of bicycle and pedestrian related crash investigation

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N. Approval of and authorization to execute a Police Service Agreement between the City of Broken Arrow and the Board of Regents of Oklahoma Colleges/Northeastern State University Broken Arrow campus

O. Approval of BAZ 1817. 0.98 acres. 1 lot. A-RMH to RMH. one-half mile north of Omaha Street 51st Street) and one-half mile east of 37th Street 209th East ANenue) at 21480 East 47th Street

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S. Approval of PUD 192. 9100 Garnett Center. 6.62 acres. 1 lot. CN BAZ I763). northeast corner of Garnett Road I 13th East ANenue) and Washington Street 91st Street)

T. Acceptance of a Deed of Dedication from Lynn Lane Village. LLC S35 T19 N R14 E) Project: Schermerhorn Lot split)

U. Approval of Partial Vacation of Plat for The Shops at Broken Arrow and authorization to execute Partial Vacation of the Plat and Partial Termination of Deed of Dedication and Restrictive Covenants of The Shops at Broken Arrow'

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Y. Approval of bids received and award of the most advantageous bid to RLM Construction Co.. Inc.. for the Police Department Remodel

Z. Approval of the Claims List

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Motion b Mike Lester

Second b Richard Carter

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

Nays: None

6. Consideration of Items Removed from Consent Agenda

Section Minutes: Councilman Thurmond was not present for the Note on Item 5V.

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Motion:	Move to approve Item 5V.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

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

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

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

Section Minutes: The Mayor noted he will return to this item when it is closer to 7:00 pm.

Following discussion of Item 9B, the Mayor returned to Item 8 and asked if any citizens requested to address Council.

Section Minutes: Allison Dickey, doing business as Affordable Plumbing and Heating, addressed Council regarding his escrow accounts with the City for his businesses licenses, permits and inspections. He stated he has one business and yet is required to have two escrow accounts, one for heating and one for plumbing. He said he had to put \$500 in each account, and since the City bills him separately instead of taking the fees out of his account when due, the money is sitting there not doing him any good. He requested Council look into making some changes, so business owners like him don't have \$1,000 sitting in an account and not working for them. Mayor McCaleb asked Mr. Twombly to look into the matter and report back to Council at their next meeting.

There being no other citizens requesting to speak, the Mayor called for discussion Item 9C.

9. General Council Business

- A. Consideration, possible approval of and authorization to execute a Professional Services Agreement between the Broken Arrow Economic Development Authority and Sam Stone, Attorney at Law, to receive legal advice and representation for bonding and economic development projects

Item Minutes: Mr. Jim Twombly, City Manager, said that Mr. Stone is a very well respected attorney with knowledge and experience in bond law and economic development activities. He added that Mr. Stone has represented the Broken Arrow Economic Development Authority for a number of years. Mr. Twombly said the City Attorney recommended that the Authority enter into a Professional Services Agreement to allow Mr. Stone to assist the Legal Department in representing the Authority, to assist in preparation and review of documents for the Authority, to advise on compliance with state and local laws, to act as bond counsel, and to provide assistance to the Authority as requested. Mr. Twombly added that the Agreement formally memorializes this arrangement and that as a BAEDA expenditure, it is properly submitted to the City Council for approval. He said there would be a cap of \$20,000.00 on costs.

Motion:	Move to approve the Professional Services Agreement.
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- B. Consideration, possible approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and the Center for Economic Development Law, for legal advice and representation for a proposed TIF District

Motion: Move to approve Item 5V.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

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

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

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Motion: Move to approve the Professional Services Agreement.

Motion b Richard Carter

Second b Mike Lester

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

Nays: None

B. Consideration. possible approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and the Center for Economic Development Law. for legal advice and representation for a proposed TIF District

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Item Minutes: M. Twombly presented this item saying the City of Broken Arrow has utilized the Center for Economic Development Law for a variety of legal matters over the last three years. He said this firm has expertise in economic development law, and in particular with establishment of TIF Districts. Mr. Twombly said the Professional Services Agreement formalizes the City's relationship with this law firm for the specific purpose of forming a TIF District, and that staff recommends that Council approve this agreement and authorize its execution.

Discussion for Item 9D was heard at this time. Council's questions regarding the details of forming a TIF District included Councilman Tucker's concerns regarding the public's interpretation of Council's action as a guarantee that a TIF District would be created. He said he would like more details to be provided as the TIF process develops, and Council agreed.

The Mayor pointed out that the vote on this Item was in regard to the Professional Services Agreement with the referenced law firm and did not authorize any other action at this time.

Motion:	Move to approve the Professional Services Agreement.
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

At this time, the Mayor said Council would return to Item 8 to hear citizens who requested to address Council.

- C. Consideration, possible approval of and authorization to execute Resolution No. 551 - Corrected, a resolution of the City Council for the City of Broken Arrow approving the transfer of Sales Tax Capital Improvement funds to Broken Arrow Economic Development Authority for the purpose of funding infrastructure improvements at Stoneridge Towne Center, and Budget Amendment No. 5

Item Minutes: Assistant City Attorney, Lesli Myers, said this Resolution corrects the name of the legal entity.

Motion:	Move to approve Resolution No. 551 - Corrected and Budget Amendment No. 5.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

- D. Consideration, possible approval of and authorization to execute Resolution No. 552, a resolution declaring the intent to consider approval of a project and creation of a Tax Increment District under the Local Development Act; directing preparation of a project plan; appointing a review committee; directing the review committee to make findings as to eligibility and financial impact, if any, on taxing jurisdictions within the district; and directing the review committee to make a recommendation with respect to the proposed project

Item Minutes: Councilman Tucker emphasized he wanted it clearly understood by the public and companies interested in coming to Broken Arrow that there was no promise that a TIF district would be created, and the review committee had to be appointed and do its job first. Mr. Twombly agreed.

Motion:	Move to approve Resolution No. 552.
Motion by:	Mike Lester
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

Item Minutes: M. Twyombly presented this item saying the City of Broken Arrow has utilized the Center for Economic Development Lary for a variety of legal matters over the last three years. He said this firm has expertise in economic development lacy. and in particular with establishment of TIF Districts. Mr. Twyombly said the Professional Services Agreement formalizes the City's relationship with this lacy firm for the specific purpose of forming a TIF District. and that staff recommends that Council approve this agreement and authorize its execution.

Discussion for Item 9D was heard at this time. Council's questions regarding the details of forming a TIF District included Councilman Tucker's concerns regarding the public's interpretation of Council's action as a guarantee that a TIF District would be created. He said lie would like more details to be provided as the TIF process develops. and Council agreed.

The Mayor pointed out that the vote on this Item rvas in regard to the Professional Services Agreement with the referenced lacy firm and did not authorize any other action at this time.

Motion: Move to approve the Professional Services Agreement.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

At this time, the Mayor said Council would return to Item 8 to hear citizens who requested to address Council.

C. Consideration. possible approval of and authorization to execute Resolution No. 55 I Corrected. a resolution of the City Council for the City of Broken Arrow approving the transfer of Sales Tax Capital Improvement funds to Broken Arrow Economic Development Authority for the purpose of funding infrastructure improvements at Stoneridge Towne Center. and Budget Amendment No. 5

Item Minutes: Assistant City Attorney. Lesli Myers. said this Resolution corrects the name of the legal entity.

Motion: Move to approve Resolution No. 551 Corrected and Budget Amendment No. 5.

Motion b Mike Lester

Second b Philip Tucker

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

Nays: None

D.

Consideration. possible approval of and authorization to execute Resolution No. 552. a resolution declaring the intent to consider approval of a project and creation of a Tax Increment District under the Local Development Act: directing preparation of a project plan: appointing a review committee: directing the review committee to make findings as to eligibility and financial impact. if any. on taxing jurisdictions within the district: and directing the review committee to make a recommendation with respect to the proposed project

Item Minutes: Councilman Tucker emphasized lie wanted it clearly understood by the public and companies interested in coming to Broken Arrow that there was no promise that a TIF district would be created. and the review committee had to be appointed and do its job first. Mr. Twyombly agreed.

Motion: Move to approve Resolution No. 552.

Motion b Mike Lester

Second b Philip Tucker

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

Nays: None

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- E. Consideration, possible approval of and authorization to execute Resolution No. 553 of the City Council of the City of Broken Arrow ratifying the transfer of economic development funds to the Broken Arrow Economic Development Authority for the purpose of acquiring two assignments of real estate purchase agreements and approving the transfer for payment of the inspection extension payments

Item Minutes: Mr. Twombly presented this item consistent with the fact sheet provided in the Agenda packet.

City Attorney Beth Anne Wilkening noted she made some changes to the Resolution, mainly simplifying the language and providing for the transfer of the funds for the purposes of making the inspection extension payments pursuant to the Purchase Agreement.

Motion:	Move to approve Resolution No. 533.
Motion by:	Philip Tucker
Second by:	Craig Thurmond
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

10. City Manager’s Report

- A. Neighborhood Stabilization Program

Item Minutes: Mr. Twombly presented this item consistent with the fact sheet provided in the Agenda packet. He summarized the key points saying that the Department of Housing and Urban Development (HUD) announced the allocation of \$3.9 billion in Community Development Block Grant Neighborhood Stabilization Program funds, and the State of Oklahoma will receive about \$29 million. He said the purpose of the funding is to provide cities with a way to help neighborhoods impacted by the recent housing finance crisis, specifically acquisition of land, demolishing or rehabilitating abandoned properties and offering down payment and closing cost assistance to low to moderate income homebuyers.

Mr. Twombly said the City of Broken Arrow, as a member of the Tulsa County Urban Designated CDBG Entitlement Area, will receive a portion of the three million dollars allocated to the Tulsa County group. He pointed out that INCOG serves as the administrator of the Tulsa County group and will perform the necessary application procedures to request funds for Broken Arrow.

The Mayor asked if the funds could be used in the downtown area. Mr. Twombly said the funds must be spent on residential properties and specifically, on distressed properties only.

No action was required or taken.

11. Preview Ordinances

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

12. Ordinances

- A. Ordinance No. 2994 - an ordinance amending Chapter 4, Article II, Section 4-16 of the Broken Arrow Code pertaining to being intoxicated in public, or while in any unenclosed space on any private property of another while uninvited; drinking in public places; repealing all ordinances to the contrary; and declaring an emergency
- B. Ordinance No. 2995 - an ordinance amending Chapter 7, Article I, Section 7-6 of the Broken Arrow Code pertaining to throwing or depositing of litter on public places; penalties; repealing all ordinances to the contrary; and declaring an emergency

E. Consideration. possible approval of and authorization to execute Resolution No. 553 of the City Council of the City of Broken Arrow ratifying the transfer of economic development funds to the Broken Arrow Economic Development Authority for the purpose of acquiring two assignments of real estate purchase agreements and approving the transfer for payment of the inspection extension payments

Item Minutes: Mr. Twyombly presented this item consistent with the fact sheet provided in the Agenda packet.

City Attorney Beth Anne Wilkening noted she made some changes to the Resolution. mainly simplifying the language and providing for the transfer of the funds for the purposes of making the inspection extension payments pursuant to the Purchase Agreement.

Motion: Move to approve Resolution No. 533.

Motion b Philip Tucker

Second b Craig Thurmond

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

Nays: None

10. City Manager's Report

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B. Ordinance No. 2995 an ordinance amending Chapter 7. Article I. Section 7-6 of the Broken Arrow Code pertaining to throwing or depositing of litter on public places: penalties. repealing all ordinances to the contrary: and declaring an emergency

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Item Minutes: The Assistant City Attorney noted there have been no changes to these ordinances since they were previewed at the last Council meeting.

Motion:	Move to approve Ordinance Nos. 2994 and 2995.
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 Clause of Ordinance Nos. 2994 and 2995.
Motion by:	Richard Carter
Second by:	Philip Tucker
Ayes:	Philip Tucker, Craig Thurmond, Richard Carter, Mike Lester, Wade McCaleb
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilman Carter commented that Mr. Lasker, who retired from INCOG last year after 30 years, is facing some serious health issues and will be in his prayers.

At the noted time of 7:25 p.m., the Mayor asked for a Motion to enter into BAMA.

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

Following adjournment of BAMA at 7:26 p.m., Mayor McCaleb asked for a Motion to enter into the Broken Arrow Economic Development Authority meeting.

Motion:	Move to recess to enter into Broken Arrow Economic Development Authority meeting.
Motion by:	Richard Carter
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 7:28 p.m.

Motion:	Move to take a short break before returning for Executive Session.
Motion by:	Mike Lester
Second by:	Philip Tucker
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 7:37 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

Item Minutes: The Assistant City Attorney noted there have been no changes to these ordinances since they were previewed at the last Council meeting.

Motion: Move to approve Ordinance Nos. 2994 and 2995.

Motion b Mike Lester

Second b Richard Carter

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

Nays: None

Motion: Move to adopt the Emergency Clause of Ordinance Nos. 2994 and 2995.

Motion b Richard Carter

Second b Philip Tucker

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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Second b Mike Lester

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Nays: None

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

Motion b Richard Carter

Second b Mike Lester

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

Nays: None

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

Motion b Mike Lester

Second b Philip Tucker

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 7:37 p.m.

Motion: Move to enter into Executive Session.

Motion b Mike Lester

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Nays: None

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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 litigation concerning City of Broken Arrow v. Troy Dwight Cospers and Joyce Marie Cospers, et al., Tulsa County District Court Case Number CJ-2007-6992, City of Broken Arrow v. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County District Court Case Number Case Number: CJ-2007-07889, City of Broken Arrow v. Tommy J. Donathan, et al., Tulsa County District Court Case Number Case Number: CJ-2007-7894; City of Broken Arrow v. Stacy L. Heller, a single person, et al., Tulsa County District Court Case Number: Case Number: CJ-2007-07893, City of Broken Arrow v. Gloria J. Mayfield, et al., Tulsa County District Court Case Number CJ-2008-01625, City of Broken Arrow v. Jack Kelso Parrott., Tulsa County District Court Case Number CJ-2008-01624, City of Broken Arrow v. Linda Ranson-Jacobs, et al., Wagoner County District Court Case Number CJ-2008-736, City of Broken Arrow v. Michael and Stephanie Mueller, et al. Tulsa County District Court Case Number CJ-2008-3178, Smotherman v. Jackson and Dufriend, U.S. District Court Case Number: 08 CV 600 TKC SAJ, and Pribble v. City of Broken Arrow, U.S. District Court Case Number 08 CV 147 GKF SAJ, all 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 8:00 p.m.

Motion:	Move to authorize the City Attorney to extend counter-offers as directed in the cases of Cospers, Poplin, Donathan, Heller, Mayfield and Parrott.
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 to interview law firms in the cases of Smotherman and Pribble.
Motion by:	Mike Lester
Second by:	Philip Tucker
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:	Mike Lester, Richard Carter, Wade McCaleb, Philip Tucker, Craig Thurmond
Nays:	None

The meeting was adjourned at the noted time of 8:00 p.m.

Mayor

City Clerk

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 litigation concerning City of Broken Arrow N. Troy Dwight Cosper and Joyce Marie Cosper, et al., Tulsa County District Court Case Number CJ-2007-6992. City of Broken Arrow N. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County District Court Case Number Case Number: CJ-2007-07889. City of Broken Arrow N. Tommy J. Donathan, et al., Tulsa County District Court Case Number Case Number: CJ-2007-7894. City of Broken Arrow N. Stacy L. Heller, a single person, et al., Tulsa County District Court Case Number: Case Number: CJ-2007-0789). City of Broken Arrow N. Gloria J. Mayfield, et al., Tulsa County District Court Case Number CJ-2008-01625. City of Broken Arrow N. Jack Kelso Parrott., Tulsa County District Court Case Number CJ-2008-01624. City of Broken Arrow N. Linda Ranson-Jacobs, et al., Wagoner County District Court Case Number 0-2008-7 36. City of Broken Arrow N. Michael and Stephanie Mueller, et al. Tulsa County District Court Case Number CJ-2008-3 178. Smotherman N. Jackson and Dufriend, U.S. District Court Case Number: 08 CV 600 TKC SAJ, and Pribble N. City of Broken Arrow, U.S. District Court Case Number 08 CV 147 GKF SAJ, all 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 8:00 p.m.
Motion: Move to authorize the City Attorney to extend counter-offers as directed in the cases of Cos per, Poplin, Donathan, Heller, Mayfield and Parrott.

Motion b Mike Lester

Second b Crai r Thurmond

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

Nays: None

Motion: Move to authorize the City Attorney to interview law firms in the cases of Smotherman and Pribble.

Motion b Mike Lester

Second b Philip Tucker

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 b Mike Lester

Second b Philip Tucker

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

Nays: None

The meeting was adjourned at the noted time of 8:00 p.m.

Mayor

City Clerk

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