

**BROKEN ARROW CITY COUNCIL MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
November 1, 2011**

6:30 PM

1. Call to Order

Section Minutes: Mayor Lester called the meeting to order at approximately 6:30 p.m.

2. Invocation

Section Minutes: There was no one present to deliver an invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Carter led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. Councilor Parks asked that Item 5B be removed. Mayor Lester asked for a motion.

Motion:	Move to approve the Consent Agenda except for Item 5B
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- A. Approval of the meeting minutes of October 18, 2011
- B. Approval of appointment of Bruce Schutte to serve as Honorary Mayor and Judy Smith to serve as Honorary Vice Mayor during Fiscal Year 2011 - 2012
- C. Approval of and authorization to execute an Architect-Engineer agreement with Walter P Moore for design of New Orleans Street Widening, Aspen to Olive
- D. Approval of a Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association for use of the Central Park Community Center gymnasiums and the Nienhuis Park Community Center gymnasiums for a youth basketball program
- E. Approval of bids received, award of the lowest responsible bid to A & A Asphalt, Inc., and authorize execution of a construction contract for Country Aire Estates Mill and Overlay
- F. Approval of bids received, award of the lowest responsible bid to Tri-Star Construction, LLC, and authorization to execute a construction contract for Elm Place widening from Houston to Kenosha Street
- G. Approval of bids received and award of the most advantageous bid to GT Distributors for the purchase of 35 patrol rifles and accessories for the Police Department
- H. Approval of bids received and award of the most advantageous bid to Prograde Ammo/DBA BVAC, Inc. for the purchase of practice ammunition for the Police Department
- I. Approval of bids received and award the most advantageous bid for the purchase of four ½ ton 4WD pickup trucks for the Development Services, Streets, and Engineering Departments
- J. Approval of Final Acceptance for the Public Improvement at Arvest Bank, located at 2251 N 9th Street
- K. Approval of Final Acceptance for the Public Improvements for Braum's, located at 4700 S Elm Place
- L. Approval of Final Acceptance for the Public Improvement for Dicks Sporting Goods, located at 1620 E Hillside Drive
- M. Approval of Final Acceptance for the Public Improvements for McDonalds, located at 1250 E Albany

BROKEN ARROW CITY COUNCIL MINUTES

COUNCIL CHAMBERS

220 SOUTH FIRST STREET

BROKEN ARROW, OKLAHOMA 74012

November 1, 2011

6:30 PM

1. Call to Order

Section Minutes: Mayor Lester called the meeting to order at approximately 6:30 p.m.

2. Invocation

Section Minutes: There was no one present to deliver an invocation.

3. Roll Call

Present: Johnnie Parks, Jill

pe Parklill Norman, Richard Richard Carter, Craig Thurmond d and J Mike Lester

Mike Lester

Absent: None

None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Carter led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda.

Councilor Parks asked that Item SB be removed. Mayor Lester asked for a motion.

Motion: Move to approve the Consent Agenda except for Item 5B

Motion b Richard Carter

Second b Jill Norman

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

A. Approval of the meeting minutes of October 18, 2011

B. Approval of appointment of Bruce Schutte to serve as Honorary Mayor and Judy Smith to serve as Honorary Vice Mayor during Fiscal Year 201 1 2012

C. Approval of and authorization to execute an Architect-Engineer agreement with Walter P Moore for design of New Orleans Street Widening, Aspen to Olive

D. Approval of a Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association for use of the Central Park Community Center gymnasiums and the Nienhuis Park Community Center gymnasiums for a youth basketball program

E. Approval of bids received, award of the lowest responsible bid to A & A Asphalt, inc., and authorize execution of a construction contract for Country Aire Estates Mill and Overlay

F. Approval of bids received, award of the lowest responsible bid to Tri-Star Construction, LLC, and authorization to execute a construction contract for Elm Place widening from Houston to Kenosha Street

G. Approval of bids received and award of the most advantageous bid to GT Distributors for the purchase of 35 patrol rifles and accessories for the Police Department

H. Approval of bids received and award of the most advantageous bid to Prograde Ammo/DBA BVAC,

Inc. for the purchase of practice ammunition for the Police Department

1. Approval of bids received and award the most advantageous bid for the purchase of four 1/2 ton 4WD pickup trucks for the Development Services, Streets, and Engineering Departments

J. Approval of Final Acceptance for the Public improvement at Arvest Bank, located at 2251 N 9th Street

K. Approval of Final Acceptance for the Public Improvements for Braum's, located at 4700 S Elm Place

L. Approval of Final Acceptance for the Public Improvement for Dicks Sporting Goods, located at 1620 E Hillside Drive

M. Approval of Final Acceptance for the Public Improvements for McDonalds, located at 1250 E Albany

Broken Arrow City Council Agenda Page 1 of 4 November 1, 2011

N. Approval of Final Acceptance for the Public Improvements for MidFirst Bank at Lynn Lane, located at 2400 N 9th Street

O. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5B. Approval of appointment of Bruce Schutte to serve as Honorary Mayor and Judy Smith to serve as Honorary Vice Mayor during Fiscal Year 2011 - 2012

Item Minutes: Councilor Parks commented that the two individuals selected for Honorary Mayor and Honorary Vice Mayor were excellent choices. He stated that he has known Mr. Schutte for years and Mr. Schutte has been involved in the community for many years. Councilor Parks said that Ms. Smith has also been very active in the community for years and is the director for the Miss Broken Arrow Pageant.

Motion:	Move to approve the appointment of Bruce Schutte to serve as Honorary Mayor and Judy Smith to serve as Honorary Vice Mayor during Fiscal Year 2011 - 2012
Motion by:	Johnnie Parks
Second by:	Craig Thurmond
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

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

Section Minutes: There were no items to consider under this section.

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

Section Minutes: Ms. Lilly Owens asked Council for support of Operation Freedom sponsored by KRMG Radio. She said project is a drive to collect items for Blue Star Mothers to send to our troops. Ms. Owens said that neighboring cities will compete against each other and whichever has the most donations will win an award. Ms. Owens said the Broken Arrow drop box is at The Hub fitness Center which she own, as well as at KRMG and at Blue Star Mothers. She said small items such as toiletries are best and a list of items is available on the KRMG and Blue Star Mothers web sites. Mayor Lester added that Ms. Owens should also contact Stephanie Higgins, the City of Broken Arrow's Communications Director for assistance.

9. General Council Business

A. Consideration and possible approval of additional stormwater improvements and allocation of \$575,000 from savings from 2008 Stormwater GO Bonds for the projects

Item Minutes: City Manager, Mr. Dave Wooden provided some background as stated in the Fact Sheet. He briefly stated that in 2008, the residents of Broken Arrow approved a General Obligation Bond election that included \$3.3 million dollars for specific stormwater improvements projects located throughout the city. He said that to date, the City has completed the Wolf Creek and Turtle Creek clearing projects using in-house labor as well as contract labor for the bank stabilization along Haikey Creek in Buford Park; and, that the City has completed floodplain improvements along Covington Creek with contract labor; and, the City has secured funds and is in the process of designing and constructing a regional detention facility along Covington Creek near Oneta Road and Washington Street as well as constructing a bank stabilization improvement project along Wolf Creek. Mr. Wooden said that these are all of the projects identified in the 2008 GO Stormwater GO Bond, and he explained that once these projects are complete, the City anticipates a saving in the stormwater portion of the GO Bond of approximately one million dollars (\$1,000,000). Mr. Wooden added that staff has identified nearly one million dollars of additional stormwater improvements throughout the community as described in the Stormwater Project List presented in the Fact Sheet contained in the agenda packet.

Mr. Wooden said that staff requests that \$575,000 of the available 2008 General Obligation Bond funds specific to the identified stormwater projects be allocated to address the projects identified in the Stormwater Project List.

Mayor Lester said that Ms. Linda Thomas requested to record her support of this item but does not wish to speak.

The Mayor called Ms. Jan Laub forward. Ms. Laub, President of Shiloh Homeowners, discussed incidents of significant flooding in her neighborhood of Shiloh in Battle Creek and gave examples such as water rising to within an inch of entering homes, stalled cars and a floating vehicle. Ms. Laub said the flooding prevents access by emergency vehicles and poses a danger to residents. She thanked city engineers for working with them on this matter and

N. Approval of Final Acceptance for the Public Improvements for MidFirst Bank at Lynn Lane, located at 2400 N 9th Street

O. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5B. Approval of appointment of Bruce Schutte to serve as Honorary Mayor and Judy Smith to serve as Honorary Vice Mayor during Fiscal Year 2011 2012

Item Minutes: Councilor Parks commented that the two individuals selected for Honorary Mayor and Honorary Vice Mayor were excellent choices. He stated that he has known Mr. Schutte for years and Mr. Schutte has been involved in the community for many years. Councilor Parks said that Ms. Smith has also been very active in the community for years and is the director for the Miss Broken Arrow Pageant.

Motion: Move to approve the appointment of Bruce Schutte to serve as Honorary Mayor and Judy Smith to serve as Honorary Vice Mayor during Fiscal Year 2011 2012

Motion b Johnnie Parks

Second b Craig Thurmond

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

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

Section Minutes: There were no items to consider under this section.

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

Section Minutes: Ms. Lilly Owens asked Council for support of Operation Freedom sponsored by KRMG Radio. She said project is a drive to collect items for Blue Star Mothers to send to our troops. Ms. Owens said that neighboring cities will compete against each other and whichever has the most donations will win an award. Ms. Owens said the Broken Arrow drop box is at The Hub fitness Center which she own, as well as at KRMG and at Blue Star Mothers. She said small items such as toiletries are best and a list of items is available on the KRMG and Blue Star Mothers web sites. Mayor Lester added that Ms. Owens should also contact Stephanie Higgins, the City of Broken Arrow's Communications Director for assistance.

9. General Council Business

A. Consideration and possible approval of additional stormwater improvements and allocation of \$575,000 from savings from 2008 Stormwater GO Bonds for the projects

Item Minutes: City Manager, Mr. Dave Wooden provided some background as stated in the Fact Sheet. He briefly stated that in 2008, the residents of Broken Arrow approved a General Obligation Bond election that included \$3.3 million dollars for specific stormwater improvements projects located throughout the city. He said that to date, the City has completed the Wolf Creek and Turtle Creek clearing projects using in-house labor as well as contract labor for the bank stabilization along Haikey Creek in Buford Park; and, that the City has completed floodplain improvements along Covington Creek with contract labor; and, the City has secured funds and is in the process of designing and constructing a regional detention facility along Covington Creek near Oneta Road and Washington Street as well as constructing a bank stabilization improvement project along Wolf Creek. Mr. Wooden said

that these are all of the projects identified in the 2008 GO Stormwater GO Bond, and he explained that once these projects are complete, the City anticipates a saving in the stormwater portion of the GO Bond of approximately one million dollars (\$1,000,000). Mr. Wooden added that staff has identified nearly one million dollars of additional stormwater improvements throughout the community as described in the Stormwater Project List presented in the Fact Sheet contained in the agenda packet.

g

Mr. Wooden said that staff requests that \$575,000 of the available 2008 General Obligation Bond funds specific to the identified stormwater projects be allocated to address the projects identified in the Stormwater Project List.

Mayor Lester said that Ms. Linda Thomas requested to record her support of this item but does not wish to speak.

The Mayor called Ms. Jan Laub forward. Ms. Laub, President of Shiloh Homeowners, discussed incidents of significant flooding in her neighborhood of Shiloh in Battle Creek and gave examples such as water rising to within an inch of entering homes, stalled cars and a floating vehicle. Ms. Laub said the flooding prevents access by emergency vehicles and poses a danger to residents. She thanked city engineers for working, with them on this matter and

stated that Council's approval today will allow work to go forward on this flooding issue before the heavy rain season begins. Ms. Laub provided some photographs to Council.

Ms. Laura Eckstein said her neighborhood, Stacy Lynn VII, has lacked proper stormwater drainage over the last 30 to 35 year. She said that as a result, water has caused deterioration of concrete and some exposed rebar in the street and at drive-ways. Ms. Eckstein said she wanted to stress the urgency of getting this water problem taken resolved. Ms. Eckstein provided some photographs to Council.

Councilor Parks said he wanted to compliment City staff for being able to save money that can now be applied toward other important stormwater issues. Councilor Carter added that he was glad to see Council's pledge to deal with stormwater problems and repairs being lived up to.

- B. Consideration and possible approval of and authorization to execute an Employment Contract for Professional Services with the Presiding Judge for the City of Broken Arrow's Municipal Court

Item Minutes: Mr. Wooden stated that Council approved the reappointment of Steven Edgar as Presiding Judge of the Broken Arrow Municipal Court on October 4, 2011. Mr. Wooden added that this item presents the Employment Contract for Professional Services which is consistent with agreements utilized in prior years. Mr. Wooden explained that the only change is an increase in the Judge's base salary by 2.5% for a total of \$3,659.25 per month; and, the contract will expire on October 6, 2013. Council agreed that Judge Edgar has done an excellent job and the Municipal Court has a good reputation.

Motion:	Move to approve and authorize execution of an Employment Contract for Professional Services with the Presiding Judge for the City of Broken Arrow's Municipal Court
Motion by:	Richard Carter
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- C. Consideration and possible approval of and authorization to execute an Employment Contract for Professional Services with the Alternate Judge for the City of Broken Arrow's Municipal Court

Item Minutes: Mr. Wooden stated that Council approved the reappointment of Dennis Sagely as Alternate Judge of the Broken Arrow Municipal Court at the Council meeting of October 4, 2011. Mr. Wooden added that this item presents the Employment Contract for Professional Services which is consistent with agreements utilized in prior years. Mr. Wooden explained that the only change is an increase in the Judge's base salary by 2.5% for a total of \$179.38 per each court docket, and the contract will expire on October 6, 2013.

Motion:	Move to approve and authorize execution of an Employment Contract for Professional Services with the Alternate Judge for the City of Broken Arrow's Municipal Court
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

- D. Consideration and possible approval of appointment of Kay Long to the Downtown Advisory Board

Item Minutes: Mr. Wooden stated that the City Council, at the October 18, 2011, meeting, approved the nomination of Kay Long to serve on the Downtown Advisory Board (DAB). He added that this item requests the appointment of Ms. Long to the DAB, and that she will complete the term of JoEllen Clow who resigned. He said the term expires on October 1, 2013.

Motion:	Move to approve the appointment of Kay Long to the Downtown Advisory Board
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

10. City Manager's Report

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

11. Preview Ordinances

Section Minutes: There were no preview ordinances.

12. Ordinances

Section Minutes: There were no ordinances.

stated that Council's approval today will allow work to go forward on this flooding issue before the heavy rain season begins. Ms. Laub provided some photographs to Council. Ms. Laura Eckstein said her neighborhood, Stacy Lynn Vii, has lacked proper stormwater drainage over the last 30 to 35 year. She said that as a result, water has caused deterioration of concrete and some exposed rebar in the street and at drive-ways. Ms. Eckstein said she wanted to stress the urgency of getting this water problem taken resolved. Ms. Eckstein provided some photographs to Council.

Councilor Parks said he wanted to compliment City staff for being able to save money that can now be applied toward other important stormwater issues. Councilor Carter added that he was glad to see Council's pledge to deal with stormwater problems and repairs being lived up to.

B. Consideration and possible approval of and authorization to execute an Employment Contract for Professional Services with the Presiding Judge for the City of Broken Arrow's Municipal Court
Item Minutes: Mr. Wooden stated that Council approved the reappointment of Steven Edgar as Presiding Judge of the Broken Arrow Municipal Court on October 4, 1-011. Mr. Wooden added that this item presents the Employment Contract for Professional Services which is consistent with agreements utilized in prior years. Mr. Wooden explained that the only change is an increase in the Judge's base salary by 2.5% for a total of \$3,659.25 per month: and, the contract will expire on October 6, 2013. Council agreed that Judge Edgar has done an excellent job and the Municipal Court has a good reputation.

Motion: Move to approve and authorize execution of an Employment Contract for Professional Services with the Presiding Judge for the City of Broken Arrow's Municipal Court

Motion b Richard Carter

Second b Johnnie Parks

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

C. Consideration and possible approval of and authorization to execute an Employment Contract for Professional Services with the Alternate Judge for the City of Broken Arrow's Municipal Court

Motion: Move to approve and authorize execution of an Employment Contract for

Professional Services with the Alternate Judge for the City of Broken Arrow's Municipal Court

Motion b Jill Norman

Second b Richard Carter

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

D. Consideration and possible approval of appointment of Kay Long to the Downtown Advisory Board

Item Minutes: Mr. Wooden stated that the City Council, at the October 18, 2011, meeting, approved the nomination of Kay Long to serve on the Downtown Advisory Board (DAB). He added that this item requests the appointment of Ms. Long to the DAB, and that she will complete the term of JoEl len Clow who resigned. He said the term expires on October 1, 2013.

Motion: Move to approve the appointment of Kay Long to the Downtown Advisory Board

Motion b Johnnie Parks

Second b Richard Carter

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig l'hurmond and Mike Lester

Nays: None

10. City Manager's Report

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

11. Preview Ordinances

Section Minutes: There were no preview ordinances.

12. Ordinances

Section Minutes: There were no ordinances.

Broken Arrow City Council Agenda Page 3 of 4 November 1. 2011

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor Parks said that he had received additional applications for the Youth City Council and the selections and swearing in would be on the agenda for the next Council meeting.

At approximately 6:48 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

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

Mayor Lester reconvened the regular session of the City Council at approximately 6:50 p.m. The Mayor asked for a brief recess to clear the room prior to entering into Executive Session.

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

Mayor Lester reconvened the regular session at approximately 6:52 p.m.

Motion:	Move to find that disclosure of the matters to be discussed regarding City of Broken Arrow vs. Clifford West will impair the ability of the Council to process pending litigation if discussed in open session.
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

Motion:	Move to go into Executive Session to discuss the litigation identified on the Agenda.
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney, and possible action in open session regarding litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow, Oklahoma v. Clifford A. West, et al., Wagoner County District Court Case Number CJ-2011-379, 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 process and claim 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.

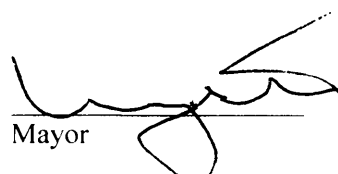
Mayor Lester reconvened the regular session of the City Council at 6:55 p.m. and the room was opened for those in attendance. The Mayor asked if there were any motions.

Motion:	Move to authorize the City Attorney to settle the case of the City of Broken Arrow vs. Clifford West, et al. for the sum of \$54,000.00
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester
Nays:	None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 6:58 p.m.

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


Mayor



Attest:

City Clerk

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor Parks said that he had received additional applications for the Youth City Council and the selections and swearing in would be on the agenda for the next Council meeting. At approximately 6:48 p.m., Mayor Lester asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

Motion: Move to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings

Motion b Craig Thurmond

Second b Jill Norman

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

Mayor Lester reconvened the regular session of the City Council at approximately 6:50 p.m. The Mayor asked for a brief recess to clear the room prior to entering into Executive Session.

Motion: Move to recess prior to entering into Executive Session

Motion b Jill Norman

Second b Johnnie Parks

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

Mayor Lester reconvened the regular session at approximately 6:52 p.m.

Motion: Move to find that disclosure of the matters to be discussed regarding City of Broken Arrow vs. Clifford West will impair the ability of the Council to process pending litigation if discussed in open session. _____

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

Motion: Move to go into Executive Session to discuss the litigation identified on the Agenda.

Motion b Craig Thurmond

Second b Jill Norman

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig Thurmond and Mike Lester

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney, and possible action in open session regarding litigation and offers of settlement and taking appropriate action in open session in Cite of Broken Arrow, Oklahoma v. Clifford A. West, et al., Wagoner County District Court Case Number CJ-201 1-379, 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 process and claim 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 he put to a vote.

Motion: Move to authorize the City Attorney to settle the case of the City of Broken Arrow vs. Clifford West, et al. for the sunk of \$54,000.00

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Johnnie Parks, Jill Norman, Richard Carter, Craig I-hurnmmond and Mike Lester

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 6:58 p.m.

Motion: Move to adjourn

Motion b Johnnie Parks

Second b Jill Norman

Ayes: Johnnie Parks, Jill Non i an,-R~tv^^__lx ss1 Carter, Craig Ihurmond and Mike Lester

Nays: None

NoN ember I. 2011